



The
Malta Government Gazette.

6312.]

Wednesday, 16th June, 1920.

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All public Acts in this Gazette, signed by the proper Authorities, are to be considered as Official and obeyed as such.
By Command. E. BONAVIDA, *Acting Lieutenant-Governor and Chief Secretary to Government.*

GOVERNMENT NOTICE.

NOTIFICAZIONE DI GOVERNO.

[No. 206.]

THE following address was delivered by His Excellency the Governor in the Council of Government on the 12th instant.

By Command,

LIEUT. GOVERNOR'S OFFICE,

The Palace, Valletta, E. BONAVIDA,
June 16, 1920. Acting Lieutenant-Governor
and Chief Secretary to Government.

SUA Eccellenza il Governatore pronunziò il seguente indirizzo al Consiglio di Governo il 12 del mese corrente.

Per Comando,

UFFICIO DEL LUOG. GOVERNATORE,

Palazzo, Valletta, E. BONAVIDA,
16 giugno, 1920. Agente Luogotenente-Governatore
e Principale Segretario del Governo.

HIS EXCELLENCY'S ADDRESS.

Gentlemen, I have come here this morning to lay before the Council of Government drafts of what are styled "Legal Instruments necessary for the establishment of a New Constitution of Malta." I am also laying before the Council certain Regulations with regard to the method of election. Both these have been transmitted to me by the Secretary of State for the Colonies under cover of two despatches. The Instruments themselves are naturally too voluminous for me to read out to you on this occasion; but I propose to read out the two despatches. I am quite aware that it is not possible for any one to follow or fully understand all the matters dealt with in the longer despatch—that would only be possible if it were read either in conjunction with the Legal Instruments themselves or after a very close and careful study of them. But I am going to read out the despatch in *extenso* because I am convinced that everyone who hears it will realise and appreciate the generous spirit in which the Secretary of State, acting on behalf of His Majesty's Government, has framed the Instruments.

The despatch is as follows :—

MALTA

No. 151

Downing Street,
28th May 1920.

My Lord,

I have the honour to transmit to you drafts of the legal instruments necessary to establish a new Constitution of Malta, namely Letters Patent providing for the constitution, Letters Patent constituting the office of Governor, and Royal Instructions to Governor which are marked A. B. and C. respectively. *

2. The main principle embodied in these instruments is to give to the Maltese people as a community real and complete responsibility for the legislative and administrative conduct of their own affairs.

3. I here are, however, certain matters which, while dealt with in Malta, directly affect the well-being, not only of Malta but of the whole Empire of which it is a strategic centre of vital importance, and which are, therefore, obviously the affair of the Imperial Government. The responsibility of the Imperial Government in regard to these matters should be as clear and complete as that of the Maltese Legislature and Executive in their own sphere. It is essential that these two spheres should be clearly defined and that there should be no confusion or overlapping. Otherwise there would be continued danger of friction arising from the inevitable tendency of one authority to encroach upon the domain of the other. Such definition is, in fact, equally necessary as a safeguard of the liberties of the people of Malta and as a guarantee of Imperial security.

4. The method by which this definition of responsibility has been secured in the framing of the new Constitution has been that of granting to the Maltese people general powers of responsible self-government for all purposes, subject only to certain specific reservations which are set out in Section 41 (1) of "A". They relate either to matters of Defence, or to matters in which the foreign relations of the Empire or trade and communication between its component parts are concerned.

5. I may refer specifically to two matters, Immigration and Naturalization. It is obviously necessary in a fortress colony that the Imperial Government should retain control over immigration in order to exclude dangerous persons and equally that it should have the power to prevent such persons who may have obtained admission from acquiring the status of British subjects. It will of course be possible for the Governor with the consent of the Secretary of State to grant naturalization in a proper case to any alien in Malta under the British Nationality and Status of Aliens Act, 1914.

6. Notwithstanding these reservations Malta, with an area of a little over a hundred square miles and a population of less than a quarter of a million, will, under the new Constitution enjoy powers as great (or indeed, greater in so far as Malta will also have the control of Postal Services and of Customs and Excise), of self-government as, for example, the Australian State of New South Wales, with a population eight times and an area more than a thousand times as great, or any one of the states of the American Union.

7. The powers reserved to the Imperial Government remain under its direct control and exclusive responsibility and will be exercised by the Governor with the advice of a small nominated Council. In order, however, to secure consultation with the leaders of the Maltese people on such matters and to help to keep them in touch with Imperial interests and problems, in so far as they affect Malta, provision is made for the Governor to summon a Privy Council at Malta including both the Nominated Council and the Executive Council, i.e. the responsible Ministers for discussion of matters which do not fall within the province of the Executive Council. Thus, while complete responsibility remains vested in the Governor as representing the Imperial Government, provision is made for those who are responsible for the conduct of local Maltese affairs expressing their views on matters of general Imperial interest.

8. In particular I would note that the Governor is under the Draft Royal Instructions required to consult a Joint Committee of the Privy Council before he intervenes in the passage of a Bill which he considers to deal with a reserved matter, or returns such a Bill for reconsideration.

Governor

Field Marshal Lord Plumer, G.C.B., G.C.M.G., G.C.V.O.,
etc., etc., etc.

* See pages 387, 401, 405 of this issue of the Gazette.

9. In the draft Letters Patent the provisions which deal with the constitution of the Legislature follow as far as possible the lines indicated by the National Assembly, the actual details as to legislative form following the precedents of responsible government constitutions elsewhere in the Empire, more particularly perhaps, of the Transvaal Letters Patent of 1906.

10. With reference to the wish of the National Assembly that their Constitution should be embodied in an Act of the Imperial Parliament, I would observe that this was not thought necessary in the case of the Transvaal; and to have done so in the case of Malta would necessarily involve great delay in the present unexampled congestion of parliamentary business.

11. The National Assembly has further asked that if an Act of Parliament could not be passed power should not be reserved to legislate by Order in Council. This request has been granted so far as all matters falling within the jurisdiction of the new Legislature are concerned and no provision has been inserted in the Constitution Letters Patent (Instrument "A") reserving the right to legislate by Order in Council.

12. It is, however, clear that some method other than an Act of Parliament must be retained for dealing with matters of Imperial interest on which the Local legislature is incompetent to pass laws and hence the power of legislating by Order in Council on these subjects, is necessarily retained in clause 12 of the second Letters Patent (Instrument "B").

13. It will be seen that the main body of the Constitution is, as the National Assembly desired, irrevocable by any instrument issuing in the United Kingdom other than an Act of the Imperial Parliament, since full power is given to the new Legislature to alter any of the provisions of the Constitution Letters Patent other than those specified in section 41—(5), which will in future be alterable only by amending Letters Patent (Section 68). These provisions include (*inter alia*) those relating to Religion and Language. These are matters which it is obviously desirable to keep outside the field of party strife, and which should not be liable to alteration at the discretion of a purely temporary majority. At the same time the possibility of amendment by Letters Patent is not excluded, in case experience should show a clear necessity, sustained by public opinion, for change in some particular.

14. The question of language required, and has received, the most careful consideration so as to do justice both to the position of Malta as a member of the British Empire Commonwealth, and to the traditions of its history and culture. As regards the Legislature, the solution proposed is that which was adopted and found successful in the Transvaal where the existence of two languages presented a similar problem, namely, that while both languages should be equally used and recorded for debates and discussions, and in the text of all laws and drafts of laws, or amendments, the journals and proceedings should be kept in English, both as the official language of the Empire, and as the Mother language of parliamentary procedure.

15. The question of the use of Maltese in the Legislature has been carefully considered, and I am of opinion that while every member of the Legislature may be presumed to understand and read either English or Italian, there is no reason for precluding such members as can only express their views with fluency and ease in the vernacular from using it in debate, especially as their fellow members would also understand them, provided, however, that the record of their speeches should be kept, not in Maltese but in English or Italian.

16. As regards the language of the Courts, I am fully conscious of the anomaly presented by the limitations which the new Constitution continues to impose on the use of the English language in the Courts of an Island forming part of the British Empire, but I feel that suggestions for reform in this respect must be left to the local initiative of the Bar of Malta and of public opinion, which may lead to some future amendment of the provisions of the Letters Patent on this subject. No change, therefore, has been introduced beyond a slight modification of the Order in Council of 1899 extending the rights conferred by that Order in Council to those British subjects not of Maltese descent who, though actually born in Malta, may be presumed to have no knowledge of any other language than English and to be, in fact, in the same position as those who already enjoy the privileges in question.

17. In the sphere of education, no change is made in the existing practice whereby English and Italian are on the footing of equality as languages of culture, while such facilities are afforded for the use of Maltese in the lower classes of the elementary schools as may be necessary for purpose of instruction.

18. As regards the method of election both for the Senate and for the House of Assembly, that of proportional representation by single transferable vote has been introduced as being the best calculated to secure the fairest and most exact representation of all parties and points of view, to give the widest choice and therefore the greatest measure of political power to the voter and to bring about the return of the best men of all parties. I shall shortly transmit the detailed rules for conducting elections by this system.

19. Several alternative schemes for the constitution of a Senate are put forward for discussion and consideration both in section 5-11 and in the Appendix to the Letters Patent. A Second Chamber established on lines consonant with the traditions of Malta and the character of its people, will, I have no doubt, play a most useful part in the future practical work of the new Legislature.

20. The method of proportional representation by list, recommended by the National Assembly for the Senate, though calculated to secure a fairer representation of parties than the ordinary method of election by single member constituencies, is still from the point of view of the voters' choice, and the return of independent men of character who may not happen to be on a party list, inferior to the method chosen. This method is one which is being increasingly adopted, more particularly in the British Empire. The State of New South Wales, for instance, following the example of Tasmania which adopted it some years ago, has recently applied it to the elections for its Legislative Assembly, and it has been included in the new Home Rule Bill for Ireland as the result of the experience gained by its working in Irish municipal elections. Now that the people of Malta are to be entrusted with the control of their own affairs, it is obviously desirable that they should be given the most effective method of expressing their wishes as a free community, which the experience of other self-governing communities has suggested.

21. I will now pass from these observations on the general effect of the instruments to comment, by way of explanation, on the more detailed provisions :—

22. The draft Letters Patent providing for Responsible Government are based, in arrangement and for the most part in substance, on the Transvaal Constitution Letters Patent of 1906, but they contain many additions taken from other sources and various new clauses designed to give effect to the novel features proposed for the Malta Constitution.

23. The number of the Senate is tentatively fixed at 16. Whatever number is fixed in this Section to begin with, it will be competent to the Legislature hereafter to alter it (see sections 25 and 41 (5)) by an Act which will, however, have to be reserved (see section 48).

24. For the first elections three different proposals are made with regard to electoral divisions :—

- (a) Four divisions each returning four Members (or otherwise as may be decided).
- (b) Two divisions as proposed in the National Assembly's Draft.
- (c) The divisions to be defined, and the number of Members to be returned by each, to be prescribed by the Governor.

25. The principle of proportional representation is introduced, the method of voting etc. to be governed by regulations to be prescribed by the Governor. A draft of these regulations will be ready at an early date.

26. In drawing up the Electoral Lists, the existing electoral Ordinances are to be used, as recommended in the National Assembly's Draft.

27. The term "Legislative Assembly" which is one well established in many constitutions within the British Empire, is employed in preference to "Chamber of Deputies", suggested in the National Assembly's Draft, as the designation of the Lower House : and the number of members is tentatively fixed at 32 or 40.

28. For the first elections two alternatives as to electoral divisions are submitted :—

- (a) Eight divisions corresponding to the present eight electoral districts constituted by the Letters Patent of 1903.
- (b) a proposal similar to the one marked (c) in the provisions as to the Senate in Section 8.

29. As regards both the Senate and the Legislative Assembly the existing electoral laws and the prescribed regulations as to Proportional Representation are to continue until changed by the new Legislature.

30. The provisions of the existing Malta Letters Patent as to the registration of voters in one or more divisions etc. are reproduced being presumably just as applicable in the case of responsible government as they have been hitherto under the existing system.

31. After the first biennial registration the Legislature may alter the electoral divisions and therewith the numbers of the Senate and Legislative Assembly, but any Act for this purpose will have to be reserved.

32. The provisions as to disqualifications for Voting at Elections are taken from the existing Letters Patent, with a view to preserving conditions which are already familiar in Malta, while those regarding disqualifications for Membership of either House are taken from the existing Letters Patent with an addition from the Transvaal Letters Patent and the National Assembly's Draft.

33. These are cases in which the person disqualified becomes liable to penalties. There are two other cases of vacation of seat, viz. resignation (section 34) and Membership of both Houses (section 35) where a penalty seems inappropriate, and therefore these two cases are treated separately.

34. The Draft Instrument provides the following safeguards against legislation by the local Government on the reserved matters : —

- (1) The Governor may intervene in Bill stage (section 43) or
- (2) He may wait till the Bill is passed and presented, for assent and then return it for re-consideration (section 44). In either case he can be compelled to submit to the Secretary of State for final decision the question whether it affects any reserved matter.
- (3) If the Governor by mistake or otherwise assents to any Bill affecting any reserved matter there remains the power of disallowance by His Majesty (section 47).
- (4) If for any reason this power is not exercised and notification to that effect has been given, the law will still pro tanto be void (section 41 (2)) but this will of course, involve a resort to the Courts in a particular case.

35. These sub-sections deal with subjects which, while they cannot possibly be withheld from the local Legislature, may incidentally affect "Imperial property and interests" and legislation with regard to them therefore requires special treatment, though they cannot be placed on the footing of "reserved matters."

36. The safeguards as to legislation of this kind are :—

- (1) The Governor can return any Bill to the Legislature with suggested amendments (section 45).
- (2) Reservation (section 48).
- (3) Power of disallowance (section 47).

37. Here, as in the case of "reserved matters", he can and will no doubt consult the Joint Committee of the Privy Council on any question involving these mixed interests and he is required under the Draft Royal Instructions (clause 23) to do so before exercising his power under (1) supra.

38. Section 54 as to the Ministry carries out the proposals in the National Assembly's Draft, a proviso being added to subsection (1) in view of the possibility of some of the Departments being administered by a Board or Commission.

39. Subsection (5) regulating the relations between the Governor and Ministers and between Ministers and the Legislature has been inserted in accordance with the last paragraph of VIII of the National Assembly's Draft, but it is questionable whether this should not be left an unwritten law or practice. In ordinary English-speaking communities which have in course of time attained to responsible Government, and also in the case of a mixed community (such as South Africa) this following of United Kingdom practice is well understood and accepted without any express provision on the subject, but the case is perhaps different in Malta.

40. I have already referred to the questions of Language and Religion. As regards the Reserved Civil List, the items to be included in the Schedule are matters which should be considered locally, but it should at least include

- (1) Governor's Establishment
- (2) Imperial Services
- (3) Lieutenant-Governor.

Whether the Judges should be added is a matter on which I desire to be informed of local opinion before deciding.

41. Either separately or included in the Governor's Establishment there will be a Legal Adviser to the Governor. It will be essential for the Governor to have first rate independent legal advice as regards "reserved matters" etc., on which he cannot consult the Crown Advocate or other Law Officer of the Ministry. The Legal Adviser will be a Member of the Nominated Council.

42. I have already referred to the Provisions of Section 68 respecting the reserved power of amending the Letters Patent and I now pass to the consideration of the Letters Patent constituting the Office of Governor (Instrument "B").

43. These Draft Letters Patent are mainly based on the corresponding Letters Patent which were issued concurrently with the Letters Patent providing for responsible Government for the Transvaal in 1909. But whereas those Letters Patent make provision only for the usual Executive Council (i.e. the Ministry) in the case of a self-governing Dominion, the proposals made for Malta necessitate provision being made in these Draft Letters Patent for the following bodies :—

- (1) An Executive Council (i.e. the Ministry) dealing on responsible Government lines with all purely local affairs.

(2) A nominated Council (of Imperial Officers) to assist the Governor with regard "reserved matters" and all questions generally affecting Imperial interests.

(3) A Council consisting of the two above-mentioned sitting together (styled the Privy Council of Malta) for the consideration of any matters referred to it by the Governor other than matters within the sole competence of the Executive Council.

(4) A Joint Committee of the Privy Council for the consideration of questions relating to "reserved matters" etc., referred to it by the Governor.

The procedure with regard to (2), (3) and (4) *supra* is worked out in the draft Royal Instructions (Instrument "C").

44. I have thought it proper to give the two combined Councils sitting together name of some dignity, and the term Privy Council has therefore been adopted, which is in use elsewhere in the British Empire overseas, e.g. in Canada and Jamaica.

45. Clause 15 entirely excludes from the Privy Council the consideration of any matters within the exclusive responsibility of the Executive Council. On the other hand, the latter will probably be willing to co-operate with the Nominated Council in the consideration of matters of mixed Imperial and local interest, and even matters of purely Imperial interest, in a joint sitting with the Nominated Council.

46. It is suggested that three Members of the Council should constitute the Joint Committee, which is designed to advise on all difficulties as to "reserved matters", etc., which may arise between the Governor and the Legislature or Ministry, so as to enable the Governor to exercise his power of control or interference under the Constitution Letters Patent (Instrument "A") with the minimum of friction.

47. These letters Patent will of course be brought into force on the same day as the Constitution Letters Patent.

48. With regard to the Royal Instructions (Instrument "C") this draft Instrument incorporates the provisions of the Transvaal Royal Instructions of 1906 (except the last two clauses) which are applicable to a Colony possessing responsible Government, but it has also to provide for various other matters necessitated by the peculiarity of the proposed constitution for Malta :—

- (1) The regulation of the Governor's power to make Ordinances.
- (2) The regulation of the meetings of the Nominated Council.
- (3) Similar provisions as to the Privy Council.
- (4) Similar provisions as to the Joint Committee of the Privy Council.

49. Clause 12 gives the Executive Council power as to all local matters by reference to the First Letters Patent (Instrument "A"). With this limitation it is the usual clause for this purpose in Colonies with responsible Government.

50. Clauses 13 to 16 embody the usual more detailed provisions as to the ordinary Executive Council (i.e. the Nominated Council for Malta) in a Colony not possessing responsible Government. The provisions of the existing Malta Royal Instructions have been adapted for this purpose.

51. As it is proposed that the Privy Council should meet to consider only matters which are not within the exclusive responsibility of the Executive Council, it seems proper that its procedure, etc., should be regulated on the lines of that of the Nominated Council and these clauses are accordingly adapted from those relating to the latter.

52. Clause 19, however, raises a question of difficulty, i.e. the seniority of Members of the two Councils when sitting together as the Privy Council. The same provision has been inserted, tentatively, as that for the Executive Council, leaving the seniority to be prescribed by the Governor.

53. "Nominated Council" provisions have similarly been adapted to regulate the procedure etc. of the Joint Committee with certain differences, viz :—

(1) In view of the nature of the Committee and its business the Government (i.e. the Officer Administering the Government) should always preside himself and not delegate the Chairmanship, and for similar reasons the quorum should be 5 out of 6 Members at every sitting.

(2) The Governor alone should have power to propose questions and the Members should not be entitled to make written requests (as Members of the Nominated Council can, clause 14) for the submission of questions.

54. Clause 25 is on the lines of Transvaal Royal Instructions, clause 7, and is a clause of the usual character for Colonies with responsible Government. In the peculiar circumstances of the case it requires some departure from the Transvaal and other responsible Government precedents.

55. The Governor is to consult the Executive Council about the power of pardon since all the local Courts will be within the sphere of the Legislature and Ministry.

56. The clause regarding the suspension of officers is unusual in Royal Instructions for responsible Government Colonies, but in Malta there will be in the Governor's establishment Imperial officers with regard to whom the question of suspension may arise, and therefore the usual Colonial Suspension Clause (cf. clause 24 of the existing Malta Royal Instructions of 1903) is inserted with words of limitation at the beginning intended to confine it to such officers, and for this purpose of course bringing in the Nominated Council.

57. Officers coming under the new local Government will be dealt with by the Governor in Executive Council.

58. The Royal Instructions at present in force are revoked by the Constitution Letters Patent (Instrument "A") see section 70 and Schedule "B"—as from the commencement of those Letters Patent, and the new Instructions will accordingly come into force simultaneously with the two new sets of Letters Patent (Instruments "A" and "B").

59. Apart from the subsisting Malta Letters Patent and Royal Instructions and Imperial Acts of Parliament, copies of all of which will be in your possession, the precedents chiefly used for the 3 draft instruments are Transvaal Constitution Letters Patent 1906, the Transvaal Letters Patent (constituting the Office of Governor), 1906, the Transvaal Royal Instructions 1906 and the Gibraltar Letters Patent and Royal Instructions 1910. Three copies of each of these documents are transmitted herewith, and in the margin of the draft Instruments reference is made to them in the places where they have severally been followed. I have also referred to the South Africa Act 1909, the Government of Ireland Act, the Irish Government Bill at present before Parliament, and the Government of India Act.

60. I have to request that you will cause this despatch with the draft Instruments to be published in Malta at an early date so that I may be informed of local opinion on the subject before they are submitted to His Majesty for approval.

I have, etc.

(signed) MILNER.

I have to read in addition an extract from a personal letter addressed to me by Lord Milner on the same day. He says: "I desire it to be generally understood that while I am willing to consider amendments of details of the proposals, I am not prepared to accept any amendment which contravenes the general tenor of the draft Constitution as explained in my numbered despatch."

The other despatch is as follows:—

MALTA.

No. 152.

DOWNING STREET,

28th May, 1920.

My Lord,

With reference to my despatch of even date forwarding the draft instruments for the establishment of a new Constitution in Malta, I have the honour to transmit to you the accompanying draft Regulations for the Election of the Senate and Legislative Assembly by Proportional Representation on the principle of the single transferable vote, which should be published in Malta at the same time as the draft instruments.*

2. I enclose a memorandum explanatory of the method proposed for filling casual vacancies (Part 2 of the Regulations).†

I have, etc.

(Sd.) MILNER.

Governor

Field Marshal Lord Plumer, G.C.B., G.C.M.G., G.C.V.O.
etc. etc. etc.

I have sent in reply the following telegram and the following despatch to the Secretary of State:

Telegram

Priority A. Your despatches No. 151 and 152 of the 28th May and the draft Instruments and Regulations for the New Constitution of Malta received. They will be laid before the Council of Government and published at 12 noon on Saturday 12th June.

* See page 410 of this issue of the Gazette.

† Do. 423 do. do.

The despatch I have written is as follows :—

MALTA

No. 190.

THE PALACE, VALLETTA.

11th June, 1920.

My Lord,

In confirmation of my telegram of yesterday's date, I beg to acknowledge the receipt of your despatch No. 151 forwarding Draft Instruments for the new Constitution of Malta, and of your despatch No. 152 forwarding regulations regarding the method of election by proportional representation. These will all be laid before the Council of Government to-morrow, the 12th instant.

2. I am confident that the people of Malta will realize and appreciate the liberal and generous spirit in which these Instruments have been framed by His Majesty's Government so as "to give to the Maltese people as a community real and complete responsibility for the legislative and administrative conduct of their own affairs".

3. In accordance with the instructions contained in the last paragraph of your despatch No. 151 I am inviting expressions of opinion on these Instruments from representative bodies and from the leading citizens and I hope to be able to forward their views to you within two months.

4. As directed by you in the communication you have addressed to me personally I have intimated that while you are willing to consider amendments of details of the proposals, you are not prepared to accept any amendments which contravene the general tenor of the Draft Constitution as explained in your despatch.

5. I venture to express on my own behalf and on behalf of the people of Malta and Gozo our gratitude to your Lordship and to the Under Secretary of State, Lieutenant-Colonel Amery, for the deep personal interest you have taken in furthering a scheme which we trust with God's help will prove of lasting benefit to the Islands and their inhabitants.

I have, &c.,

(Sd.) PLUMER, F.M.
Governor.

The Right Honourable
Viscount Milner, G.C.B.,
&c., &c., &c.

Gentlemen, it is hardly necessary for me to say to you that the papers which are now being laid on the Table contain matters of extreme and utmost importance for Malta. They require, and I am quite sure they will receive, very careful and deliberate consideration. As I have already stated in my despatch to the Secretary of State, I am inviting the leading citizens and representative bodies to consider these proposals and to submit to me their observations on them in due course, for transmission to the Secretary of State. I do not think that the time I have suggested, two months, is too long for that purpose. I am quite confident that all to whom these matters are referred will approach them and deal with them in the same spirit which has clearly animated His Majesty's Government in formulating them. Our opportunity has come: it is for all of us here in Malta to show clearly from the outset that, small community though we are, we are capable of treating matters of really high importance in a broad-minded manner, and that we are worthy of becoming statesmen of the British Empire.

DRAFT.

A.

MALTA.

Abbreviations in marginal references.

T = Transvaal Constitution Letters Patent, 1906.

M = Malta Letters Patent, 1903.

S.Afr. = South Africa Act, 1909.

Ireland = Government of Ireland Act, 1914, or the new Irish Bill.

India = Government of India Act.

N.A.Dft. = National Assembly's Draft Constitution.

LETTERS PATENT passed under the Great Seal of the United Kingdom providing for the constitution of responsible Government in the Colony of Malta.

George the Fifth by the Grace of God of the United Kingdom of Great Britain^e and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, unto all to whom these presents shall come Greeting.

WHEREAS by certain Letters Patent bearing date respectively the third day of June 1903, the fifteenth day of April 1904, the seventeenth day of March 1905, the eighteenth day of June 1907, and the seventeenth day of December 1909, provision was made for the administration of the Government of Our Island of Malta and its Dependencies as in the said Letters Patent is described and set forth :

And whereas We are minded to provide for the establishment of responsible Government, subject to certain limitations hereinafter set forth, in Our said Island and its Dependencies, and it is expedient that the aforesaid Letters Patent should be revoked.

Now know ye that We do declare Our will and pleasure to be as follows :—

THE LEGISLATURE.

The Legislature.
[T. 1.]

1. In place of the Council of Government now subsisting there shall be a Legislature consisting of a Senate and Legislative Assembly, constituted as hereinafter provided.

The constitution, appointment, and powers of the Council of Government now subsisting shall continue in force until the date of the nomination of Members for election to the Legislature hereby constituted and no longer.

Sessions of Legislature.
[T. 24.]

2. —(1) There shall be a Session of the Legislature once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Legislature in one Session and the first sitting thereof in the next Session.

(2) The First Session shall be held within six months of the date when these Our Letters Patent shall commence to take effect.

Place and times of holding Sessions of Legislature.
[T. 25.]

3. The first and every other Session of the Legislature shall be held in Valletta at such times as may be notified by the Governor by Proclamation in the Gazette.

Prorogation and dissolution of Legislature.
[T. 26.]
[S. Afr. 20.]

4. The Governor may from time to time prorogue the Legislature by Proclamation, which shall be published in the Gazette, and may in like manner, whenever he shall think fit, dissolve the Senate and the Legislative Assembly simultaneously, or the Legislative Assembly alone.

THE SENATE.

[See also *Alternative Proposals in the Appendix*].

5. The Senate shall consist of [? sixteen] Members possessing such qualifications and elected by such persons in such manner and for such period as is hereinafter provided. The Senate Constitution.
[T. 2 and 7 (3).]

6. Any person (save as hereinafter excepted^(*)) who shall be of the age of 35 years or upwards and who shall be qualified to be registered as a voter in and for any electoral division shall be qualified and entitled to be elected a Member of the Senate for that or any other electoral division, provided that he Qualification of Members.
[T. 18 (1), M. 26.]
[N. A. Dft.
*[See Sec. 31]

(1) Is an Ecclesiastic who has attained the higher orders ; or [N. A. Dft.]

(2) Holds the degrees or shall have passed the Matriculation Examination of the University of Malta or some other University, or has been authorised by the Government to exercise a profession ; or

(3) Is, in his own right or in right of his wife, in receipt from immovable property in the Colony or from other capital of a clear income of not less than 100*l.* per annum, or pays rent to an amount of not less than 50*l.* per annum, and has been entitled to such income or has paid such rent for at least twelve months next before the election ; or

(4) Is or shall have been a Member of the Chamber of Commerce ; or

(5) Shall have been a Member of the Legislative Assembly for not less than the duration of two Legislatures.

7.—(1) Every male British subject of the age of 21 years and upwards who is able to read and write and who is, in his own right or in right of his wife, in receipt from immovable property in the Colony or from other capital of a clear income of not less than 5*l.* per annum, or pays annual rent to that amount, and who has been entitled to such income or has paid such rent for six months next before registration, and who is not subject to any of the disqualifications hereinafter mentioned, shall be entitled to be registered as a voter, and when so registered to vote at any election of Members of the Senate. Qualification of Voters.
[T. 9, M. 18, N. A. Dft.]

(2) Provided that no person on full pay belonging to Our naval, military or air forces maintained by annual vote of the Parliament of Our United Kingdom shall, unless possessing a legal domicile in the Colony, be entitled to be registered as a voter or to vote.

8.—(1) For the purpose of the first election of Members of the Senate, to be held under the provisions of these Our Letters Patent, the voters shall be the persons whose names appear on the register hereinafter mentioned. First Elections.
[T. 11 (1).]

(2) For the purpose of the said first election the Colony shall be divided into four electoral divisions, constituted as follows : [New.]

- (i)
- (ii)
- (iii)
- (iv)

Each such division shall return four Members of the Senate.

[NOTE.—*If it is decided that the representation shall not be the same for all divisions, other provision must be inserted accordingly.*]

ALTERNATIVE TO (2)

(2) For the purpose of the said first election the Colony shall be divided into two electoral divisions only, that is to say :— [N.A. Dft.]

(a) The first electoral division shall comprise Valletta, Cospicua, Senglea, Vittoriosa, Floriana, Sliema, St. Julians, Pietà, Misida, and Hamrun, and shall elect Members of the Senate.

(b) The second electoral division shall comprise Notabile, and all the Casals of Malta not included in the first constituency, and Gozo, and shall elect Members of the Senate.

FURTHER ALTERNATIVE TO (2).

(2) For the purpose of the said first election the Governor shall as soon as practicable after the date of the commencement of these Our Letters Patent define and name the electoral divisions of the Colony and prescribe the number of the Members of the Senate to be returned by each such division and a list of the electoral divisions, when defined and named as aforesaid, and the prescribed number of Members to be returned by each division shall be proclaimed by the Governor in the Gazette. [T. 8 last paragraph].

(3) The first election of Members of the Senate shall be according to the principle of proportional representation, each voter having one transferable vote. The method of voting and of transferring and counting votes and the duties of returning officers in connection therewith shall be governed by Regulations to be prescribed by the Governor as soon as practicable after the date of the commencement of these Our Letters Patent. [New.]

- [T. 11 (2).] (4) For the purpose of the said first election the Governor shall as soon as practicable after the date of the commencement of these Our Letters Patent cause electoral lists of the voters resident in each such electoral division at that date to be compiled in accordance so far as possible with the provisions of the laws relating to the election of Members of the subsisting Council of Government of Malta, that is to say, Ordinance No. VII of 1904 as amended by Ordinances No. XII of 1905 and No. V of 1910, and the lists so compiled shall constitute the register of voters until a new register is made as hereinafter prescribed.
- President of Senate.
[T. 19.] 9.—(1) The Senate shall, at their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be President of the said Senate (subject to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in the office another President shall be elected in like manner and subject to such confirmation as aforesaid.
- [T. 20.] (2) The President, or in his absence some Member elected by the Senate, shall preside at the meetings thereof.
- Quorum.
[T. 21.] 10. The Senate shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but the said Senate shall not be competent to proceed to the despatch of business unless Members be present.
- Duration.
[S. Afr. 45.] 11. Every Senate shall continue for six years from the first meeting thereof, and no longer, but may be sooner dissolved by the Governor.

THE LEGISLATIVE ASSEMBLY.

- Legislative Assembly.
Constitution.
[T. 8 and 7 (3).] 12. The Legislative Assembly shall consist of [? thirty-two or forty] Members, possessing such qualifications and elected by such persons in such manner and for such period as is hereinafter provided.
- Qualification of Members.
[T. 18.]
* [See Sec. 31.] 13. Any person (save^o as hereinafter excepted) who shall be qualified to be registered as a voter in and for any electoral division shall be qualified and entitled to be elected a Member of the Legislative Assembly for that or any other electoral division.
- Qualification of Voters.
[T. 9, M. 18, N.A. Dft.] 14.—(1) Every male British subject of the age of 21 years and upwards (a) who is able to read and write or (b) who is, in his own right or in right of his wife, in receipt from immovable property in the Colony or from other capital of a clear income of not less than five pounds per annum or pays annual rent to that amount, and who has been entitled to such income or has paid such rent for six months next before registration, and (c) who is not subject to any of the disqualifications hereinafter mentioned, shall be entitled to be registered as a voter, and when so registered to vote at any election of Members of the Legislative Assembly.
- (2) Provided that no person on full pay belonging to Our naval, military or air forces maintained by annual vote of the Parliament of Our United Kingdom shall, unless possessing a legal domicile in the Colony, be entitled to be registered as a voter or to vote.
- First Elections.
[T. 11 (1).] 15.—(1) For the purpose of the first election of Members of the Legislative Assembly, to be held under the provisions of these Our Letters Patent, the voters shall be the persons whose names appear on the register hereinafter mentioned.
- [New.] (2) For the purpose of the first election the electoral divisions of the Colony shall be the eight electoral districts constituted by the Letters Patent of the 3rd of June 1903, and described in the First Schedule thereto for the purpose of the election of Members of the subsisting Council of Government. Each such division shall return [? four or five] Members of the Legislative Assembly.

ALTERNATIVE TO (2).

- [T. 8 last paragraph.] (2) For the purpose of the said first election the Governor shall as soon as practicable after the date of the commencement of these Our Letters Patent define and name the electoral divisions of the Colony and prescribe the number of the Members of the Legislative Assembly to be returned by each such division, and a list of the electoral divisions, when defined and named as aforesaid, and the prescribed number of members to be returned by each division, shall be proclaimed by the Governor in the Gazette.
- [New.] (3) The first election of Members of the Legislative Assembly shall be according to the principle of proportional representation, each voter having one transferable vote. The method of voting and of transferring and counting votes and the duties of returning officers in connection therewith shall be governed by Regulations to be prescribed by the Governor as soon as practicable after the commencement of these Our Letters Patent.
- [T. 11 (2).] (4) For the purpose of the said first election the Governor shall as soon as practicable after the date of the commencement of these Our Letters Patent cause electoral lists of the voters resident in each such electoral division at that date to be compiled in accordance so far as possible with the provisions of the laws relating to the election of Members of the subsisting Council of Government of Malta, that is to say, Ordinance No. VII of 1904 as amended by

Ordinances No. XII of 1905 and No. V of 1910, and the lists so compiled shall constitute the register of voters until a new register is made as hereinafter prescribed.

16. The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly (subject to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in the Office another Speaker shall be elected in like manner and subject to such confirmation as aforesaid. Speaker of Legislative Assembly.
[T. 19.]

17. The Speaker, or in his absence some Member elected by the Legislative Assembly, shall preside at the meetings thereof. Speaker to preside.
[T. 20.]

18. The Legislative Assembly shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but the said Assembly shall not be competent to proceed to the despatch of business unless Quorum.
[T. 21.] Members be present.

19. Every Legislative Assembly shall continue for three years from the first meeting thereof, and no longer, but may be sooner dissolved by the Governor. Duration.
[S. Afr. 45.]

SENATE AND LEGISLATIVE ASSEMBLY.

20.—(1) Subject to the provisions as to the first election of Members of the Senate and Legislative Assembly respectively contained in sections 8 and 15 of these Our Letters Patent, the registration of voters, and the preparation of electoral lists shall be carried out in accordance with the laws relating to the election of Members of the subsisting Council of Government of Malta, that is to say, Ordinance No. VII. of 1904 as amended by Ordinances No. XII. of 1905 and No. V. of 1910, or any laws amending or substituted for the same hereafter to be passed by the Legislature constituted by these our Letters Patent. Registration of Voters, &c.
[T. 12.]

(2) Subject as aforesaid, the conduct of elections shall be carried out in accordance with the Regulations prescribed by the Governor in accordance with Sections 8 and 15 of these Our Letters Patent and with the laws relating to the election of Members of the subsisting Council of Government of Malta, that is to say, Ordinance No. VII. of 1904 as amended by Ordinances No. XII. of 1905 and No. V. of 1910, so far as such laws shall not be inconsistent with the said Regulations, or in accordance with any laws amending or substituted for the said Regulations or laws, hereafter to be passed by the Legislature constituted by these Our Letters Patent. Conduct of Elections.

21. There shall be a biennial registration of voters in every electoral division commencing not later than the last day of December in the year next but one after the commencement of the last preceding registration, and so on during each successive biennial period. The first biennial registration shall be commenced not later than the 31st day of December 1922. Biennial registration of voters.
[T. 13.]

22.—(1) A person shall be entitled to be registered as a voter in any division in which he possesses a complete qualification either by the receipt of income from, or by paying rent for, property situated in that division. Voter's complete qualification in one division.
[M. 20.]

(2) A person who is qualified to be registered as a voter by the receipt of income from, or by paying rent for, property situated in two or more divisions, but does not possess a complete qualification in any one division, shall be entitled to be registered in any one of those divisions at his option. Voter's complete qualification made up from property in two or more divisions.
[M. 21.]

23. No person shall be registered as a voter in more than one electoral division, provided that Voter to be registered in only one division.
[M. 17.]

(1) Any person who but for the foregoing provision would have been entitled to be registered in two or more divisions shall be entitled to be registered in any one of those divisions at his option, and Voter's option when qualified in two or more divisions.
[M. 22.]

(2) Any person possessing in each of two or more divisions a complete qualification in respect of income derived from immovable property situated in that division, in his own right or in right of his wife, shall be entitled to be registered and to vote in each of the divisions in which he possesses that qualification; but he cannot be registered or vote in any other division in respect of any other kind of qualification. Exception where voter has complete qualification as owner of immovable property in two or more divisions.
[M. 23.]

24. No person shall be qualified to be registered as a voter in respect of the payment of rent for immovable property unless he is the occupier of such property; and no person shall be qualified to be registered as a voter in respect of the receipt of income derived from immovable property for which he pays rent, and which he does not possess on emphyteusis. Persons ineligible for registration as voters in certain conditions.
[M. 24.]

25. Upon the completion of the voters' list made in pursuance of the first biennial and thereafter of every alternate biennial registration, it shall be lawful for the Legislature by an Act to be passed for that purpose if required by the growth or distribution of the population to re-divide the Colony into electoral divisions for the purpose of the election of Members of the Senate and also into electoral divisions for the purpose of the election of Members of the Legislative Assembly, and by such Act to determine the number of Members to be returned for each such electoral division. Re-division of Colony into electoral divisions.
[T. 14.]

When re-division of Colony to come into operation. 26. Any re-division of the Colony made as aforesaid shall come into operation at the next General Election held after the completion of the re-division and not earlier.

[T. 17.] 27.—(1) Every member of the Senate and of the Legislative Assembly shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President or Speaker respectively, or before such person as may be appointed thereto by the Governor should such oath be required to be taken before the election of a President or Speaker as the case may be : —

“I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George V., his heirs and successors according to law. So help me God.”

(2) Provided that any person authorised by law to make a solemn affirmation or declaration instead of taking an Oath may make such affirmation or declaration in lieu of such Oath.

All questions to be decided by majority of votes. 28. All questions in the Senate or Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President, Speaker or presiding Member, who shall, however, have and exercise a casting vote in case of an equality of votes.

[T. 29.] Governor may transmit Bills to Legislature. 29. The Governor may transmit by Message to the Senate and the Legislative Assembly the draft of any Bill which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Senate and Assembly, as the case may be, in such convenient manner as shall be provided in that behalf by Rules of Procedure

Persons disqualified as Voters. 30. No person shall be entitled to be registered as a voter on any register of voters or to vote at any election of Members of the Senate or of the Legislative Assembly,

(1) Unless he has resided in the Colony for a period of not less than six months next before the commencement (as declared by Proclamation of the Governor) of the framing of a general register of voters :

Provided that any person who within three years next before the commencement of the framing of a general register of voters has resided in the Colony for not less than six months, but who has been temporarily absent during the six months next before that date, shall be entitled to be so registered notwithstanding such absence on proof being given by him or on his behalf to the Registering Officer that his absence was temporary.

[M. 18 proviso and 28 (1)]. (2) If he has been sentenced by any competent Court for any crime, punishable by death, hard labour for any period, imprisonment for a period exceeding one year, or for any other crime against the peace or honour of families referred to in Chapter II. of Title VI. of the first part of the Second Book of the Criminal Laws of Malta, sentences for manslaughter or other crimes against the person excusable for any of the causes contemplated in Article 233 and Nos. 1 and 2 of Article 236 of the same Laws being excepted, and has not received a free pardon from Us for the crime for which he has been so sentenced.

[M. 28 (3) and (4)]. (3) If he is of unsound mind or has within five years before the election received charitable relief in the Colony from any public source.

Disqualification for Membership of Senate or Legislative Assembly. 31.—(1) No person shall be capable of being elected a Member of the Senate or Legislative Assembly or having been elected shall sit or vote therein, who

(a) has been sentenced by any competent Court for any crime punishable by death, hard labour for any period, imprisonment for a period exceeding one year, or for any other crime against the peace or honour of families referred to in Chapter II. of Title VI of the first part of the Second Book of the Criminal Laws of Malta, sentences for manslaughter or other crimes against the person excusable for any of the causes contemplated in Article 233 and Nos. 1 and 2 of Article 236 of the same Laws being excepted, and has not received a free pardon from Us for the crime for which he has been so sentenced;

(b) is an uncertificated bankrupt;

(c) has within five years before the election received charitable relief in Malta from any public source;

(d) is of unsound mind; or

[T. 18 (2)]. (e) holds any office of profit under the Crown within the Colony (other than the Office of a Minister as hereinafter defined), provided that persons in receipt of a pension from the Crown, and Officers of Our naval, military or air forces in receipt of retired or half pay, and University teachers not prohibited from the private exercise of their profession and not bound to offer their services to the Government during the entire day, shall not be deemed to hold an office of profit under the Crown.

[T. 18 (4)]. (2) No person who has acted as a Registering or Revising Officer or Election Commissioner in connection with the framing or revision of a voters' list for any electoral division shall be capable of being elected as a Member of the Senate or of the Legislative Assembly for that division while such list is in force.

32. If any Member of the Senate or of the Legislative Assembly shall

(1) fail for a whole ordinary annual Session to give his attendance in the Senate or the Legislative Assembly; or Member's seat in Legislature, how vacated. [T. 30.]

(2) shall for the period of one month be a party to any contract with the Government of the Colony for or on account of the public service; or [M. 32.]

(3) shall take any oath, or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign State or Power; or

(4) shall do, concur in or adopt any act whereby he may become the subject or citizen of any such State or Power; or

(5) shall be or become subject to any of the disqualifications mentioned in the preceding Section;

his seat shall become vacant, and if any person under any of the disqualifications herein mentioned shall, whilst so disqualified, knowingly sit or vote as a member of the said Senate or Assembly, such person shall forfeit the sum of 50*l.*, to be recovered by the Crown Advocate for the benefit of the Treasury by action in His Majesty's Civil Court. [Cf. M. 30.]

33. All questions which may arise as to the right of any person to be or remain a Member of the Senate or Legislative Assembly shall be decided by the Senate or the Legislative Assembly, as the case may be, provided that if any such question shall be decided by a majority of less than two-thirds of the Members of the House present it shall be referred to and finally decided by Our Court of Appeal in Malta. Question as to qualification of Members or vacation of seats, how dealt with. [M. 31. N. A. Dft.]

34. Any Member of the Senate or Legislative Assembly may resign his seat therein by writing under his hand addressed to the President or Speaker, as the case may be, and upon the receipt of such resignation by the President or Speaker the seat of such Member shall become vacant. Resignation of seat in Senate or Legislative Assembly. [T. 22.]

Provided that no Member shall, without the permission of the Senate or Legislative Assembly, resign his seat while any proceedings are pending in respect of his election if it is alleged in those proceedings that any corrupt or illegal practices took place at that election.

35.—(1) If any Member of either House of the Legislature becomes a Member of the other House, his seat in such first-mentioned House shall thereupon become vacant. Membership of both Houses. [India sec. 63E (2) & (3).]

(2) If any person is elected a Member of both Houses of the Legislature he shall, before he takes his seat in either House, signify in writing the House of which he desires to be a Member, and thereupon his seat in the other House shall become vacant.

36.—(1) Whenever a vacancy occurs in the Senate or Legislative Assembly from any cause, other than as the result of an election petition, the President or Speaker, as the case may be, shall, upon a Resolution of the said Senate or Assembly declaring such vacancy, inform the Governor thereof. Writs for filling vacancies. [T. 23.]

(2) Provided that if such vacancy occurs when the Senate or Legislative Assembly is not in session, the President or Speaker, or in the case of the death, incapacity or absence from the Colony of the President or Speaker, the Clerk to the Senate or the Assembly shall, on a certificate under the hands of two Members of the Senate or Assembly, stating that such vacancy has occurred and the cause thereof, inform the Governor thereof.

(3) The Governor on receiving such information shall cause the necessary steps to be taken for filling such vacancy in accordance with the law for the time being in force in the Colony under the provisions of section 20 of these Our Letters Patent.

37.—(1) The Senate and Legislative Assembly in their first Session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the order in which the said Senate and Assembly shall confer, correspond and communicate with each other and for the passing intituling and numbering of Bills, and for the presentation of the same to the Governor for his assent. Standing Rules and Orders. [T. 31.]

(2) All such Rules and Orders shall by the said Senate and Assembly respectively be laid before the Governor in Council, and being by him approved shall become binding and of force.

(3) Provided that the Standing Rules and Orders of the Council of Government as now subsisting shall, until altered, added to or amended, be the Standing Rules and Orders of Senate and of the Legislative Assembly.

38. The salary of the President of the Senate and of the Speaker of the Legislative Assembly shall be such as may be prescribed by any law of the Colony; and the Chief Clerk for the time being of the Senate and of the Legislative Assembly shall respectively be removed from office only in accordance with a vote of the House of which he is an officer. Officers of the Legislature. [T. 32.]

39. It shall be lawful for the Legislature of the Colony by any law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and Legislative Assembly and the Members thereof respectively. Privileges of Members. [T. 33.]

[Cf. N.A. Dft.]

Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed and exercised by the Common's House of Parliament of Our United Kingdom, or the Members thereof.

Language in Debates.
[T. 34.]

40.—(1) All debates and discussions in the Senate and Legislative Assembly shall be conducted in the English, Italian or Maltese language, and in no other language, and every speech delivered in either of the said Houses shall be printed in the journals and proceedings of that House in the language in which it was delivered, provided that any speech delivered in the Maltese language shall not be printed in that language but either in the English or the Italian language at the option of the Member who delivered such speech.

Language in Laws.

(2) Copies of all Laws proposed or enacted shall be printed both in the English and Italian languages.

Language in Records.

(3) Save as aforesaid all journals, entries, minutes and proceedings of the Senate and Legislative Assembly shall be made and recorded in the English language.

POWERS OF THE LEGISLATURE.

Power to make Laws.
[T. 36 (1).]

Ireland, sec. 2.

do. new Bill,
clause 4.]

Reserved matters.

41.—(1) It shall be lawful for Us and Our successors, by and with the advice and consent of the Senate and Legislative Assembly, subject to the provisions of these Our Letters Patent, to make Laws, to be entitled "Acts," for the peace, order and good government of the Colony, with the following limitations, namely, that the said power to make Laws shall not extend to matters (hereinafter referred to as reserved matters) touching the public safety and defence of Our Empire and the general interests of Our subjects not resident in the Colony, and (without prejudice to such general limitation) shall not extend to the following matters in particular or any of them, namely:—

- (a) The control or discipline of Our naval, military or air forces;
- (b) The defence of the Colony or any other naval or military matter;
- (c) The control and regulation of aerial navigation and aircraft and the compulsory acquisition of land for the purpose of aerodromes;
- (d) Submarine cables and wireless telegraphy and telephony;
- (e) Territorial waters;
- (f) Lands and buildings, docks, harbours and other waters, used or required for naval, military and other purposes connected with any reserved matter (hereinafter referred to as "Imperial property and interests") so long as they shall be used or required for such purposes, but no longer;
- (g) Navigation, shipping, and quarantine so far as the interests of any part of Our Empire other than the Colony may be affected;
- (h) Trade with any place out of the Colony, except so far as trade may be affected by the exercise of the power of taxation given to the Legislature by these our Letters Patent;
- (i) Coinage and currency;
- (j) Immigration;
- (k) Naturalization and Aliens;
- (l) The appropriation of any such revenues as may accrue to Us in respect of any reserved matter;
- (m) Treaties or any relations with Foreign States except so far as local legislation may be necessary to enable effect to be given within the Colony to any Treaty entered into by Us or Our predecessors or successors and extending to the Colony.

Invalidity of laws affecting reserved matters.
[Ireland, sec. 2 cf. Col. Laws Validity Act, 1865, sec. 2.]

Legislation for local government purposes affecting Imperial property and interests.
[New.]

(2) Any Law made in contravention of the limitations imposed by subsection one of this section shall to the extent of such contravention but not otherwise be and remain absolutely void and inoperative.

(3) Any Law relating to drainage, water supply, lighting or similar services ordinarily within the sphere of local government, and applying to all lands, buildings and other immovable property within any city, town or any other defined area within the Colony, shall not, by reason of the existence within such city, town or area of any Imperial property and interests, be deemed to affect any reserved matter, but any such Law applying to any Imperial property and interests as aforesaid, shall, subject to the provisions of section 48 of these Our Letters Patent, be reserved by the Governor for the signification of Our pleasure thereon.

Legislation as to roads, &c., affecting Imperial property and interests.
[New.]

(4) Any Law relating to roads, transport or internal communications whereby Imperial property and interests in common with other property and interests within the Colony or any part thereof may be affected shall not, by reason of such application, be deemed to affect any reserved matter, but any such Law shall, subject to the provisions of section 48 of these Our Letters Patent, be reserved by the Governor for the signification of Our pleasure thereon.

(5) A Law passed by the Senate and Legislative Assembly may repeal or alter any of the provisions of these Our Letters Patent, save those contained in this section, and all other provisions relating to reserved matters or Imperial property and interests, and those contained in section 56 (relating to Religion), sections 40 and 57 (relating to Language) and section 63 (relating to the Reserved Civil List), and may likewise repeal or alter any of the provisions of any Order in Our Privy Council extending to the Colony other than provisions affecting any matters mentioned in this sub-section.

Power to alter the provisions of these Letters Patent or of Orders in Council. [T. 36 (2) with Savings.]

42.—(1) If the Legislative Assembly passes any proposed law and the Senate rejects or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, it shall be deemed to be rejected and shall not be proposed again during the same Session. If the Legislative Assembly, in the next Session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects, or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, the Governor may during that Session convene a joint sitting of the Members of the Senate and Legislative Assembly [in the manner hereinafter provided, or may dissolve the Legislative Assembly, and may simultaneously dissolve both the Senate and the Legislative Assembly. But such dissolution shall not take place within six months before the date of the expiry of the Legislative Assembly by effluxion of time.

Disagreement between the Senate and the Legislative Assembly. [T. 37.]

[N.A. Dft.]

[See Memorandum.]

(2) If after such dissolution the Legislative Assembly again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, the Governor may convene a joint sitting of the Members of the Senate and of the Legislative Assembly, at which such Members shall elect one of their Members to be President.

(3) The Members present at any joint sitting convened under (either of the preceding sub-sections), may deliberate and shall vote together upon the proposed law, as last proposed by the Legislative Assembly, and upon amendments, if any, which have been made therein by the one House of the Legislature and not agreed to by the other, and any such amendments which are affirmed by two-thirds of the total number of the Members of the Senate and Legislative Assembly shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried, is affirmed by two-thirds of the total number of the Members of the Senate and Legislative Assembly, it shall be taken to have been duly passed by the Legislature.

If the passage in square brackets *supra* is omitted, substitute here [the preceding sub-section.]

[N.A. Dft.]

43.—(1) Where in either House of the Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor may certify under his hand that the Bill, or any clause thereof, or the amendment, affects a reserved matter and may direct that no proceedings, or that no further proceedings, shall be taken by the House in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

Bills relating to reserved matters.

[India, sec. 67 (2A).]

(2) On receipt of such certificate and direction the President of the Senate or the Speaker of the Legislative Assembly, as the case may be, may, on a resolution of the House to that effect, submit a written request through the Governor to the Secretary of State for his decision on the question whether such Bill, clause or amendment affects any reserved matter, and the decision of the Secretary of State shall for all purposes whatsoever be final.

[Cf. N.A. Dft.]

44. When any Law has been passed by the Legislature it shall be presented for Our assent to the Governor, whereupon the following provisions shall apply:—

Presentation of laws for Governor's assent.

[T. 38.]

(a) If it shall appear to the Governor that it contains any provision in any way relating to or affecting any reserved matter, he shall return the Law for reconsideration by the Legislature or either House thereof.

Laws relating to reserved matters.

[India, Sec. 67 (4).]

(b) If the Legislature shall fail to amend the Law to the satisfaction of the Governor he shall, if so required by the Ministry, submit to the Secretary of State for his decision the question whether such Law affects any reserved matter, and the decision of the Secretary of State shall for all purposes whatsoever be final.

[Cf. N.A. Dft.]

(c) If the Governor shall be satisfied, or if after reference to the Secretary of State, as hereinbefore provided, the Secretary of State shall have decided, that the Law contains no provisions in any way relating to or affecting any reserved matter, the Governor shall declare according to his discretion, but subject to this Constitution and to any instructions in that behalf given to him under Our Sign Manual and Signet, or through a Secretary of State, that he assents in Our name, or that he withholds assent, or that he reserves the Law for the signification of Our pleasure.

Laws not relating to reserved matters.

[T. 38.]

45. The Governor may return to the Senate and Legislative Assembly any proposed Law so presented to him, notwithstanding that the same shall not affect or be alleged to affect any reserved matter, and may transmit therewith any amendments which he may recommend, and the Senate and Legislative Assembly may deal with the recommendation.

Return of Bills by Governor to the Legislature.

[T. 40.]

- Assent to Laws and time from which they take effect.
[M. 36.]
- Disallowance by the King.
[T. 41.]
- Description of Bills to be reserved.
[T. 39. M. 40.]
- Signification of King's pleasure on Bills reserved.
[T. 42.]
- Laws reserved when to take effect.
[T. 43.]
- Laws to be printed in Gazette.
[T. 44.]
- Copies of Laws to be enrolled.
[T. 45.]
- [Cf. M. 41.]
- Certificates of Disallowance to be enrolled.
[T. 46.]
- Ministerial Offices.
[T. 47.]
- [N.A. Dft.]
46. No Law passed by the Legislature shall take effect until either the Governor shall have assented thereto in Our name and on Our behalf, and shall have signed the same in token of such assent, or until We shall have given Our assent thereto by Our Order in Our Privy Council.
47. It shall be lawful for Us, Our heirs, and successors to disallow any Law within one year from the date of the Governor's assent thereto, and such disallowance, on being made known by the Governor by speech or message to the Senate and the Legislative Assembly, or by Proclamation, shall annul the Law from the day when the disallowance is made known.
48. The Governor may reserve any Law passed by the Legislature for the signification of Our pleasure thereon, and unless he shall have previously obtained Our instructions through a Secretary of State upon any Law of the nature hereinafter described, or unless such Law shall contain a clause suspending the operation thereof until the signification in the Colony of Our pleasure thereupon, he shall reserve—
- (a) Any Law whereby persons not of Maltese birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of Maltese birth or descent are not also subjected or made liable.
- (b) Any Law of the nature described in subsections (3) and (4) of section 41 of these Our Letter Patent.
- (c) Any Law which may repeal, alter or amend, or is in any way repugnant to or inconsistent with, such provisions of these Our Letters Patent or such provisions of Orders in Our Privy Council extending to the Colony as may under these Our Letters Patent be repealed or altered by the Legislature.
49. A proposed Law reserved for Our pleasure shall not have any force unless and until, within one year from the day on which it was presented to the Governor for Our Assent, the Governor makes known, by speech or message to the Senate and the Legislative Assembly, or by Proclamation, that it has received Our Assent.
50. Whenever any Law has been reserved for the signification of Our pleasure thereon, and the Governor shall signify, either by Message to the Legislature or by Proclamation in the Gazette, that such Law has been laid before Us in Our Privy Council, and that We have been pleased to assent to the same, an entry shall be made in the journals of the Senate and Legislative Assembly of every such Message or Proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer, to be kept amongst the records of the Colony.
51. The Governor shall cause every Law which shall have been assented to in Our name to be printed in the Gazette, in both the English and Italian languages, for general information.
52. As soon as may be after any Law shall have been assented to in Our name by the Governor, or, if it shall have been reserved for the signification of Our pleasure, Our Assent thereto shall, in manner aforesaid, have been signified by the Governor, the Clerk of the Legislative Assembly shall cause a fair copy of such Law, in the English and Italian languages, signed by the Governor, to be enrolled on record in the Office of the Registrar of Our Court of Appeal in Malta, and such copy shall be conclusive evidence as to the provisions of every such Law: provided, however, that the validity of any such Law shall not depend upon the enrolment thereof.
53. Whenever any Law assented to by the Governor in Our name as aforesaid has been disallowed by Us, the Governor shall cause a certificate of such disallowance, certified under the Public Seal of the Colony, to be enrolled in the Office of the Registrar of Our Court of Appeal in Malta.

THE MINISTRY.

54.—(1) The Governor may designate such offices as he thinks fit, not being more than seven in number, to be offices of Ministers, and unless other provision shall at any time be made by him such offices shall be constituted by the Headship of the following Departments:—

- (a) Colonial Secretary's Office.
- (b) Justice.
- (c) Treasury.
- (d) Public Instruction.
- (e) Public Works (including Railways, Lighting and Water Supply Departments).
- (f) Public Health and Charitable Institutions.
- (g) Agriculture, Industry and Commerce (including Customs and Posts).

Provided that where any of the said Departments shall be administered by any Board or Commission the Head of that Department shall for the purposes of this subsection be the President or Chairman of such Board or Commission.

(2) Appointments to such offices shall be made by the Governor in Our name and such offices shall be held during Our pleasure.

(3) The holders of such offices shall be styled Ministers, and every Minister shall be a Member of one of the Houses of the Legislature but shall not vacate his seat in the Senate or Legislative Assembly by reason of his appointment to or retention of any such office.

(4) Every Minister shall have the right to sit and speak both in the Senate and Legislative Assembly, but shall vote only in the House of which he is a Member.

(5) The relations between the Governor and the Ministry, and between the Ministry and the Legislature, shall, subject to the provisions of these Our Letters Patent, be regulated as nearly as possible by the constitutional practice obtaining in like matters in Our United Kingdom. [New, Cf. N.A. Dft.]

JUDGES.

55. The Judges of the Superior Courts.

(1) shall be appointed by the Governor in Council;

(2) shall not be removed except by the Governor in Council on an Address from the Senate and Legislative Assembly praying for such removal on the ground of proved misbehaviour or incompetency; Judges' appointment, tenure and remuneration. [T. 48.]

(3) shall receive such remuneration as shall from time to time be prescribed by law, but the remuneration of a Judge shall not be diminished during his tenure of office;

(4) the remuneration of the present Judges shall not be diminished, and their commissions shall continue as heretofore.

RELIGION.

56.—(1) All persons inhabiting the Colony shall have full liberty of conscience and the free exercise of their respective modes of religious worship. Religious toleration. [M. Additional Instructions, 27 October 1906.]

(2) No person shall be subjected to any disability or excluded from holding any office by reason of his religious profession. Cf. Gibraltar Instructions, 2 February 1910, § 12.]

LANGUAGE.

57. Subject to the provisions of section 40 as to the language to be employed in the debates, proceedings and records of the Legislature the following provisions as to language shall take effect in the Colony. Language.

(1) The English language, as the official language of the British Empire, shall be the official language of the Colony, but without prejudice to the use of Italian as an official language of legal record and of culture. Nothing shall be done by way either of legislation or of administration which shall diminish or detract from the position of the English language as the official language or tend to restrict its use in education or in the public service. The Maltese language, as the language of popular intercourse, shall enjoy all such facilities as are necessary to satisfy the reasonable needs of those who are not sufficiently conversant with the English or Italian language. General.

(2) The English and Italian languages shall be recognised as equal languages of culture in the Colony at the University, in Secondary Schools and in the higher classes of Elementary Schools as subjects of study. Where both languages cannot conveniently be taken simultaneously regard shall be had in settling the order of priority in which the languages shall be taught to the wishes of the parents in the case of Schools, and of the students in the case of the University, and to the utility of the teaching for the purposes of the pupil's future occupation. Education.

The foregoing provisions shall not extend to prohibit the Maltese language from being used in the lower classes of the Elementary Schools in so far as it may be necessary as a medium of instruction.

(3) Subject to the provisions of the Malta (Use of English Language in Legal Proceedings) Order in Council 1899, the Italian language shall be the official language of record of the Courts of the Colony, provided, however, that for the words "not being born or naturalized in Malta" wherever they occur in Articles 2 and 11 of the said Order in Council, there shall be deemed to be substituted the words "not being born in Malta of Maltese descent," and the said Articles shall be read and construed accordingly. The Courts.

GENERAL PROVISIONS.

58. All taxes, imposts, rates, and duties, and all territorial, casual and other revenues of the Crown (including royalties) from whatever source arising within the Colony over which the Senate and Legislative Assembly have power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the Public Service of the Colony in the manner and subject to the charges hereinafter mentioned. Consolidated Revenue Fund. [T. 53.]

59.—(1) The Consolidated Revenue Fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof. Costs of collection and management of fund. [T. 54.]

- (2) All such costs, charges, and expenses shall be subject to be reviewed and audited in such manner as may from time to time be directed by any Law passed by the Legislature.
- Appropriation and taxation. Bills to originate in Legislative Assembly. [T. 55.]
60. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.
- Powers of Senate thereon. [T. 56. N. A. Dft.]
61. The Senate may not alter any Money Bill passed by the Legislative Assembly, but may return to the Legislative Assembly any such Bill and may transmit therewith any amendments which they recommend, and the Legislative Assembly shall consider and deal with such recommendation, and thereafter the Senate may either accept or reject such Bill but may not alter it.
- Manner in which the Public Revenue shall be appropriated to the Public Service. [T. 57.]
- 62.—(1) It shall not be lawful for the Legislative Assembly to pass any law, vote, or resolution which shall have the effect of appropriating any part of Our revenue within the Colony or of imposing any rate, tax, or duty, unless such law, vote or resolution has been first recommended to the Assembly by Message of the Governor during the Session in which it is proposed.
- (2) No part of Our revenue within the Colony shall be issued except in pursuance of a Warrant under the hand of the Governor directed to the Treasurer.
- Reserved Civil List. [T. 58. M. 53.]
- 63.—(1) There shall be payable to Us, in every year, out of the Consolidated Revenue Fund the sums mentioned in Schedule A to these Our Letters Patent for defraying the expenses of the services set forth in the said Schedule.
- (2) The said several sums shall be issued by the Treasurer upon such Warrants as shall from time to time be directed to him under the hand of the Governor.
- Appointments to Public Offices. [T. 59.] [New.]
64. The appointment to, and removal from, all public offices under the Government of the Colony hereby constituted, hereafter to become vacant or to be created, save those of Ministers, shall, subject to any law hereafter in force in the Colony, be vested in the Governor in Council: Provided that no public officer in the Colony who shall have been appointed to his office before the date of the commencement of these Our Letters Patent shall be removed from his office save in accordance with the law, regulations or conditions subject to which he was appointed to such office.
- Pensions to be charged on Consolidated Revenue Fund. [M. 54 (as replaced in 1905).]
65. All pensions and gratuities which have been or may be hereafter granted in accordance with the rules which now regulate the grant of pensions and gratuities in the Colony, or with any law or rules which shall be for the time being in force regulating the grant of such pensions or gratuities, to persons who have retired or shall retire from the Public Service of the Colony, or whose offices in the Colony have been or shall be abolished, shall be charged upon and paid out of the Consolidated Revenue Fund.
- Powers of Lieutenant-Governor under existing laws to be exercised by Governor in Council. [T. 61 (1).]
- 66.—(1) Where, under any law of the Colony, any power, jurisdiction or authority is at the date of the commencement of these our Letters Patent exercised by the Lieutenant-Governor, such power, jurisdiction or authority shall, save in so far as its exercise may affect any reserved matter, be exercised by the Governor in Council, and where under any existing law any power, jurisdiction or authority has been conferred on any Member of the existing Executive Council of the Colony, such power, jurisdiction or authority shall, save as aforesaid, be exercised by the Minister to whom it shall be assigned by the Governor in Council.
- Reserved matters. [New.]
- (2) If any question shall arise as to whether the exercise or the proposed exercise of any such power, jurisdiction or authority affects any reserved matter, the Governor may of his own motion or shall, if so requested by the Ministry, submit such question to the Secretary of State for his decision, and the decision of the Secretary of State shall for all purposes whatsoever be final.
- Imperial property and interests. [New.]
- (3) Where under any existing law of the nature described in subsections (3) and (4) of section 41 of these Our Letters Patent any power, jurisdiction or authority is exercisable with regard to any Imperial property and interests, such power, jurisdiction or authority shall be exercised subject to the concurrence and direction of the Governor.
- Meaning of "Council of Government" in existing Laws. [T. 61 (2).]
- (4) Where in any existing law the words "Council of Government" occur, they shall, unless the context otherwise indicates, be read as if they were "Senate and Legislative Assembly."
- Power to amend by Proclamation. [T. 62.]
67. The Governor may, by Proclamation in the Gazette at any time, before the date of the [?first] nomination of persons for election as Members of the Senate and Legislative Assembly, and provided that Our approval be previously signified to him through a Secretary of State, vary, annul or add to any of the provisions of these Our Letters Patent in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.
- Power reserved to His Majesty to revoke, alter or amend certain sections of the present Letters Patent. [C. M. 59 and Memo.]
68. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend section 41 and all other provisions relating to reserved matters or Imperial property and interests, and also sections 40, 56, 57, and 63 of these Our Letters Patent as to Us or Them shall seem meet.

69. In these Our Letters Patent, unless the contrary intention appears --

"Colony" means the Island of Malta and its Dependencies.

"Gazette" means the Malta Gazette.

"Month" means calendar month.

"Governor" means the Officer for the time being Administering the Government of the Colony.

"Governor in Council" means the Governor acting by and with the advice of the Executive Council.

"Secretary of State" means one of Our Principal Secretaries of State.

Definitions.

[T. 63. M. 57.]

70. These Our Letters Patent shall be proclaimed at such place or places within the Colony as the Governor shall think fit, and shall commence and come into operation on a day to be fixed by the Governor by Proclamation in the Gazette, and thereupon the Letters Patent and Instructions, described in Schedule B hereto, shall, without prejudice to anything lawfully done thereunder, be revoked.

Commencement of Letters Patent.
[T. 64.]

71. These Our Letters Patent may be cited as "The Malta Constitution Letters Patent, 1920".

Short Title.
[T. 65.]

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster this day of in the Year of Our

By Warrant under the King's Sign Manual.

SCHEDULE A.

(See Section 63).

RESERVED CIVIL LIST.

Governor's Establishment	...	...	...
Lieutenant-Governor	...	...	...
Imperial Services	...	...	...
[? Judges	...	...	...]

[T. Schedule 4.]

Cf. section 55 (3) and (4).

SCHEDULE B.

(See Section 70).

Nature of Instrument.	Date.
Letters Patent	... 3rd June 1903.
" "	... 15th April 1904.
" "	... 17th March 1905.
" "	... 18th June 1907.
" "	... 17th Dec. 1909.
Royal Instructions to Governor...	3rd June 1903.
" "	... 27th Oct. 1906.
" "	... 18th Dec. 1909.

[T. Schedule 6.]

APPENDIX.

THE SENATE.

[FURTHER ALTERNATIVES TO SECTIONS 5 TO 11.]

A.

5.—(1) The Senate shall consist of [? sixteen] Members, that is to say, one *ex-officio* Member, four Members representative of the classes hereinafter specified and eleven Members elected by the Members of the Legislative Assembly.

The Senate.
Constitution.

(2) The *ex-officio* Member shall be the Chief Justice who shall be President of the Senate.

(3) There shall be one Member representative of the Clergy, nominated by the Archbishop of Malta, and three Members representative of and respectively elected by the Nobility, the University and the Chamber of Commerce.

Qualification of Elected Members.
[*See Section 31.]

6. Any person (save as* hereinafter excepted) who shall be a male British subject of the age of thirty-five years or upwards shall be qualified and entitled to be elected a Member of the Senate provided that he—

(1) Is an Ecclesiastic who has attained the higher orders; or

(2) Holds the degrees or shall have passed the Matriculation Examination of the University of Malta or some other University, or has been authorised by the Government to exercise a profession; or

(3) Is, in his own right or in right of his wife, in receipt from immovable property in the Colony or from other capital of a clear income of not less than 100*l.* per annum, or pays rent to an amount of not less than 50*l.* per annum, and has been entitled to such income or has paid such rent for at least twelve months next before the election; or

(4) Is or shall have been a Member of the Chamber of Commerce; or

(5) Shall have been a member of the Legislative Assembly for not less than the duration of two Legislatures.

Qualification of voters for Election of Representatives of Nobility, University and Chamber of Commerce.
[*See Section 30.]
Nobility.
University.
Chamber of Commerce.

7. Any person (save as* hereinafter excepted) who is a male British subject of the age of twenty-one years and upwards, and

(1) who is certified to be the head of any family belonging to the Nobility by the Committee of Privileges of the Nobility of Malta, or

(2) who is included in the register of the University of Malta and possesses the degree of , or

(3) whose name is included in the list of Members of the Malta Chamber of Commerce, shall be entitled to vote at any election of a Member of the Senate to represent the Nobility, the University, or the Chamber of Commerce, as the case may be.

First Election.

8.—(1) The first election of the Members of the Senate to be elected by the Nobility, the University, and the Chamber of Commerce, respectively, shall be according to the principle of each voter having one transferable vote. The method of voting and of transferring and counting votes and the duties of returning officers in connection therewith shall be governed by regulations to be prescribed by the Governor as soon as practicable after the commencement of these Our Letters Patent.

(2) The first election of the Members of the Senate to be elected by the Members of the Legislative Assembly shall be according to the principle of proportional representation, each voter having one transferable vote. The method of voting and of transferring and counting votes and the duties of returning officers in connection therewith shall be governed by regulations to be prescribed by the Governor as soon as practicable after the commencement of these Our Letters Patent.

President.

9. The President or in his absence some Member elected by the Senate shall preside at the meetings thereof.

Quorum.

10. } The same as in the main draft.

Duration.

11. }

B.

The Senate.
Constitution.

5. The Senate shall consist of [?sixteen] Members, that is to say, [?six] *ex officio* Members and [?ten] Members elected by the Members of the Legislative Assembly.

Ex-officio Members.

6. The *ex officio* Members shall be —

(i) The Bishop of Malta.

(ii) The Bishop of Gozo.

(iii) The President of the Committee of Privileges of the Nobility of Malta.

(iv) The President of the Chamber of Advocates.

(v) The President of the Chamber of Commerce.

(vi) The President of the Trade Union Council.

Qualification of Elected Members.
[*See Section 31.]

7. Any person (save as *hereinafter excepted) who shall be a male British subject of the age of thirty-five years or upwards shall be qualified and entitled to be elected a Member of the Senate provided that he—

(1) Is an Ecclesiastic who has attained the higher orders; or

(2) Holds the degrees or shall have passed the Matriculation Examination of the University of Malta or some other University, or has been authorised by the Government to exercise a profession; or

(3) Is, in his own right or in right of his wife, in receipt from immovable property in the Colony or from other capital of a clear income of not less than 100*l.* per annum or pays rent to an amount of not less than 50*l.* per annum, and has been entitled to such income or has paid such rent for at least twelve months next before the election; or

(4) Is or shall have been a Member of the Chamber of Commerce; or

(5) Shall have been a Member of the Legislative Assembly for not less than the duration of two Legislatures.

8. The first election of the Members of the Senate to be elected by the Members of the First Election. Legislative Assembly shall be according to the principle of proportional representation, each voter having one transferable vote. The method of voting and of transferring and counting votes and the duties of returning officers in connection therewith shall be governed by regulations to be prescribed by the Governor as soon as practicable after the commencement of these Our Letters Patent.

9. }
10. } The same as in the main draft.
11. }

President.

Quorum.

Duration.

DRAFT.

B.

MALTA.

Abbreviations in marginal references.

T = Transvaal Letters Patent, 1906, constituting Office of Governor.

M = Malta Letters Patent, 1903.

Gib. = Gibraltar Letters Patent, 1910.

LETTERS PATENT passed under the Great Seal of the United Kingdom constituting the Office of Governor and Commander-in-Chief of the Colony of Malta.

George the Fifth by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, to all to whom these presents shall come, Greeting.

WHEREAS by certain Letters Patent bearing date at Westminster the third day of June 1903, His late Majesty King Edward the Seventh did constitute the Office of Governor and Commander-in-Chief of Our Island of Malta and its Dependencies:

And whereas by Letters Patent bearing even date herewith and providing for the constitution of responsible Government in Our said Island and its Dependencies and entitled "The Malta Constitution Letters Patent, 1920," it is proposed that the said Letters Patent bearing date the third day of June 1903, together with certain other Letters Patent amending the same, shall, from and after the date of the commencement of the Malta Constitution Letters Patent, 1920, be revoked:

And whereas We are minded to make further provision for the constitution of the Office of Governor and Commander-in-Chief of Our said Island and its Dependencies.

Now know ye that We do declare Our will and pleasure to be as follows:—

- Office of Governor constituted.
[T. 1.]
1. There shall be a Governor and Commander-in-Chief in and over Our Island of Malta and its Dependencies (hereinafter called the Colony), and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.
- Governor's Powers and Authorities.
[T. 3.]
2. We do hereby authorise, empower, and command Our said Governor and Commander-in-Chief (hereinafter called the Governor) to do and execute all things that belong to the said office of Governor according to the tenor of these and any other Our Letters Patent, having effect within the Colony, and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council or by Us through one of Our Principal Secretaries of State, and according to such laws as are now or shall hereafter be in force in the Colony.
- Publication of Governor's Commission.
[T. 4.]
3. Every person appointed to fill the Office of Governor shall with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice or, in his absence, of some other Judge of the Superior Court of the Colony and such of the Members of the Ministry who can conveniently attend, which being done, he shall then and there take before them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first
- Oaths to be taken by Governor.

and Thirty-second years of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual Oath for the due execution of his Office, and for the due and impartial administration of justice, which oaths the said Chief Justice or Judge is hereby required to administer. Imperial Act, 31 & 32 Vict. c. 72.

4. There shall be a Lieutenant-Governor in and over the Colony, and appointments to the said Office shall be made by the Commission under Our Sign Manual and Signet. Office of Lieutenant-Governor constituted. [M. 2.]

The Lieutenant-Governor shall do and execute during Our pleasure all things belonging to his office according to such Instructions as may from time to time be given to him by Us, under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

5. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Seal. Public Seal. [T. 5.]

6. The Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands within the Colony which may be lawfully granted or disposed of by Us. Grant of lands. [T. 7.]

7. The Governor may constitute and appoint in Our name and on Our behalf all such Officers in the Colony as may be lawfully constituted or appointed by Us. Appointment of Officers. [T. 8.]

8. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing remove from his office, or suspend from the exercise of the same, any person holding any office or place within the Colony under or by virtue of any Commission or Warrant or Instrument granted, or which may be granted, by Us or in Our name or under Our authority, or by any other mode of appointment. Suspension or removal from office. [T. 9.]

9. When any crime or offence has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further may grant to any offender convicted of any such crime or offence in any Court, or before any Judge, Justice or Magistrate, within the Colony, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as he may think fit, and may remit any fines, penalties, or forfeitures due or accrued to Us: Provided always, that [if the offender be a natural-born British subject, or a British subject by naturalisation in any part of Our Dominions], the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself or be removed from the Colony. Grant of pardon. [T. 10, M. 5.]

10. In the event of the death, incapacity, removal, or absence from the Colony of Our said Governor, or of his being from any cause prevented from acting in the duties of his Office, all and every the powers and authorities granted to him shall, until Our further pleasure is signified therein, be vested in such person as We may appoint under Our Sign Manual and Signet, and such person shall have and exercise all such powers and authorities until Our further pleasure shall be signified: Provided that no such powers or authorities shall vest in such person until he shall have taken the oaths hereinbefore directed to be taken by the Governor of the Colony, and in the manner herein prescribed. Remission of fine. Proviso. Banishment. Exception. Political offences. Succession to the Government in the event of the death, &c., or absence of the Governor from the Colony. [T. 11.]

11. In the event of the Governor having received permission from Us, or through one of Our Principal Secretaries of State, to be temporarily absent from the Colony, he may in every such case, by an Instrument under the Public Seal of the Colony, constitute and appoint any person to be his Deputy within the Colony during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor, as shall in and by such Instrument be specified and limited but no others. Every such Deputy shall conform to and observe all such Instructions as the Governor shall from time to time address to him for his guidance: Provided, nevertheless, that by the appointment of a Deputy, as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct: Governor may appoint a Deputy during his temporary absence from the Colony. [T. 13. M. 7 (as replaced in 1907).]

Provided further that, if any such Deputy shall have been duly appointed, it shall not be necessary during the continuance in office of such Deputy for any person to assume the Government of the Colony as Administrator thereof.

12. The Governor may from time, by any Ordinance to be by him issued, make laws for the peace, order and good government of the Colony with regard to matters reserved from the Legislature of the Colony by the Malta Constitution Letters Patent, 1920, and therein defined as "reserved matters": Provided, nevertheless, that any such Ordinance or any part thereof may be disallowed by Us through one of Our Principal Secretaries of State, and shall Governor empowered to make laws on certain subjects. [Gib. 5.]

Power of disallowance

Power reserved to legislate by Order in Council. cease to be of any force or effect as soon as the disallowance thereof shall be published by the Governor in the Colony : Provided also that nothing herein contained shall affect Our right by any Order in Council to make from time to time all such laws with regard to any such reserved matter as aforesaid as may appear to Us necessary for the peace, order and good government of the Colony.

Executive Council. [T. 6.] 13. There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons being Ministers as the Governor shall, from time to time in Our name and on Our behalf but subject to any law of the Colony, appoint under the Public Seal of the Colony to be Members thereof. Subject to any such law the Members of the Executive Council shall hold office during Our pleasure : Provided that the Members of the Executive Council existing at the commencement of these Our Letters Patent may, if the Governor thinks fit, continue to hold office until the appointment of Ministers.

Nominated Council. Constitution. [M. 55 (1) (as replaced in 1909).] 14.—(1) There shall also be a Nominated Council in and for the Colony consisting of the persons for the time being lawfully discharging the duties of the offices of Lieutenant-Governor and Legal Adviser (hereinafter called ex-officio Members of the said Council), and of such Officer of Our Royal Navy, and of such Officer of Our Regular Forces, and of such Officer of Our Royal Air Force, as We may from time to time appoint by Warrant under Our Sign Manual and Signet, or as the Governor may from time to time, by Instrument under the Public Seal of the Colony, appoint, subject to Our disallowance or confirmation through one of Our Principal Secretaries of State.

Provisional appointments shall by writing under his hand resign his seat in the Council, or shall die or be suspended from the exercise of his functions as a Member of the Council, or be declared by the Governor by an instrument under the Public Seal of the Colony to be incapable of exercising his functions as a Member of the Council or be absent from the Colony, the Governor may, by an Instrument under the Public Seal of the Colony, appoint some person to be provisionally a Member of the Council in the place of the Member so resigning or dying, or being suspended or declared incapable, or being absent. Such person shall forthwith cease to be a Member of the Council if his appointment is disallowed by Us, or if the Member in whose place he was appointed shall be released from suspension, or, as the case may be, shall be declared by the Governor capable of again discharging his functions in the Council, or shall return to the Colony.

Provisional appointments to be reported. (3) The Governor shall without delay report to Us, for Our confirmation or disallowance, through one of Our Principal Secretaries of State, every provisional appointment of any person as a Member of the Nominated Council. Every such person shall hold his place in the Council during Our Pleasure, and the Governor may, by an Instrument under the Public Seal of the Colony, revoke any such appointment.

Revocation of provisional appointments. 15. It shall be lawful for the Governor to summon the Executive Council and the Nominated Council to sit together for the consideration of such matters, not being matters within the exclusive responsibility of the Executive Council under or by virtue of the provisions of the Malta Constitution Letters Patent, 1920, or of these Our Letters Patent, as in his discretion, but subject to such Instructions as are hereinbefore mentioned, he may think it expedient to refer to both Councils sitting together, and the two Councils when so sitting together shall be known as the Privy Council of Malta, and the Members of the said two Councils shall be deemed to be Members of the said Privy Council.

Executive and Nominated Councils to sit together as the Privy Council of Malta. [New.] 16. The Governor shall from time to time, as occasion may require, appoint a Joint Committee of the Privy Council of Malta, consisting of three Members of the Executive Council nominated by the Head of the Ministry and three Members of the Nominated Council appointed by himself, for the consideration of any question submitted by him to such Committee relating to any legislative action taken or proposed to be taken by the Legislature or any administrative action taken or proposed to be taken by any public department or officer responsible to the Legislature which in his opinion affects or is likely to affect any "reserved matter" or any "Imperial property or interests" within the meaning of section 41 of the Malta Constitution Letters Patent, 1920, and for the consideration of any similar questions arising under section 66 of the said Letters Patent which he may submit to the said Committee.

Officers and others to obey the Governor. [T. 14, M. 56.] 17. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony to be obedient, aiding and assisting unto the Governor or to such person or persons as may from time to time under the provisions of these Our Letters Patent administer the Government of the Colony.

Term "the Governor" explained. [T. 15.] 18. In the construction of these Our Letters Patent the term "the Governor," unless inconsistent with the context, shall include every person for the time being Administering the Government of the Colony.

Power reserved to His Majesty to revoke, alter or amend present Letters Patent. [T. 16, M. 59.] 19. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent, as to Us or them shall seem fit.

20. And We do direct and enjoin that these Our Letters Patent shall be read and pro-^{Proclamation of Letters} claimed at such place or places within the Colony as the Governor shall think fit, and shall ^{Patent.} commence and come into operation on a day to be fixed by the Governor by Proclamation in [T. 17, M. 60.] the Malta Government Gazette.

In witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves at Westminster this day of , in the
Year of Our Reign.

By Warrant under the King's Sign Manual.

DRAFT.

C.

MALTA.

Abbreviations in marginal references.

T=Transvaal Royal Instructions, 1906.

M=Malta ditto, 1903.

Gib.=Gibraltar ditto, 1910.

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Malta.

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Malta, or to Our Lieutenant-Governor or other Officer for the time being administering the Government of Our said Colony.

GIVEN at Our Court at St. James's this day of , 1920, in the Year of Our Reign.

Preamble.
[*Cf. T.*]
Recites Letters Patent constituting the Office of Governor.

WHEREAS by certain Letters Patent bearing even date herewith We have constituted, ordered, and declared that there shall be a Governor and Commander-in-Chief (therein and hereinafter called the Governor) in and over Our Colony of Malta (therein and hereinafter called the Colony):

And whereas We have by the said Letters Patent authorised, empowered, and commanded the Governor to do and execute all things that belong to his said Office, according to the tenor of the said Letters Patent and any other Our Letters Patent having effect within the Colony, and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony:

Now, therefore, We do hereby direct and enjoin and declare Our will and pleasure to be as follows:—

1. In these Our Instructions, unless inconsistent with the context, the term "Governor" shall include every person for the time being administering the Government of the Colony.
2. The Governor may, whenever he thinks fit, require any person in the public service to take the Oath of Allegiance, together with such other oath or oaths as may from time to time be prescribed by any law in force in the Colony. The Governor is to administer such oaths or cause them to be administered by some Public Officer of the Colony.
3. In the enactment of laws for the peace, order and good government of the Colony in accordance with the provisions of clause 12 of Our hereinbefore recited Letters Patent bearing even date herewith, the Governor shall observe, as far as practicable, the following Rules and Instructions (that is to say):—
 - (1) All laws to be enacted by the Governor shall be styled "Ordinances enacted by the Governor of the Colony of Malta."
 - (2) All Ordinances are to be distinguished by titles, and shall be divided into successive clauses or paragraphs consecutively numbered, and to every such clause there shall be annexed in the margin a short summary of its contents. The Ordinances of each year shall be distinguished by consecutive numbers commencing in each year with the number one.

Term "Governor."
[*T. 1.*]

Oaths to be administered by the Government.
[*T. 2.*]

Rules and Regulations under which laws made by the Governor are to be enacted.
[*Gib. 3.*]

Style of laws.

Ordinances to be numbered and methodically arranged.

(3) Each different matter is to be provided for by a different Ordinance without intermixing in one and the same Ordinance such things as have no proper relation to each other; and no clause is to be inserted in or annexed to any Ordinance which shall be foreign to what the title of such Ordinance imports, and no perpetual clause is to be part of any temporary Ordinance.

Different subjects not to be mixed in the same Ordinance.

No clause to be introduced foreign to what the title of the Ordinance imports.

(4) No Ordinance whatsoever shall be made to continue for less than two years, except only in cases where it may be necessary, upon some unforeseen emergency, to make provision by law for a service in its nature temporary and contingent.

Temporary Ordinances.

(5) No Ordinance shall be promulgated unless a draft of the same shall first have been made public for one calendar month at the least before the enactment thereof, unless such immediate promulgation shall, in the judgment of the Governor, be indispensably necessary for the security of the Colony, or the welfare of Our subjects or others residing within the same.

Promulgation of Ordinances.

(6) The Governor is not to promulgate any Ordinance whatever in relation to any matters which shall be anywise repugnant to or inconsistent with Our hereinbefore recited Letters Patent bearing even date herewith or the Malta Constitution Letters Patent, 1920, or these Our Instructions, or repugnant to any Act of Parliament or to any Order in Council extending to or in force within the Colony, but any such Ordinance or pretended Ordinance shall be absolutely null and void to all intents and purposes.

No Ordinance repugnant to Letters Patent or Instructions to be promulgated.

(7) No Ordinance shall be made to take effect until Our pleasure thereon be first made known and signified to the Governor, and by him to the inhabitants of the Colony, unless the Governor shall have satisfied himself that the delay incident to a previous communication with Us would be productive of serious injury or inconvenience, in which case We do hereby authorise the Governor to determine the time at which any such Ordinance shall take effect and have its operation within the Colony, but in any such case the Governor shall, on the earliest occasion, report the reasons for his action to Us, through one of Our Principal Secretaries of State.

No Ordinance to take effect until the King's pleasure shall have been signified.

Except in urgent cases

(8) And if, on any occasion, Our pleasure should not be signified to the Governor upon any Ordinance within two years next after the date thereof, then, and in every such case it is Our pleasure that from and after the expiration of such term of two years such Ordinance shall be deemed to be disallowed, and shall thenceforth cease to have any force or effect within the Colony.

Disallowance of Ordinances after two years.

4. The Governor is not, without Our permission, to promulgate any Ordinance in the Colony of any of the classes hereinafter specified (that is to say): -

Description of Ordinances not to be promulgated without permission.

(1) Any Ordinance whereby any grant of land or money, or other donation or gratuity may be made to himself.

[Gib. 4.]

(2) Any Ordinance whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin.

(3) Any Ordinance providing for the naturalization of aliens.

[Cf. Memo. on Instrument "A," section 11 (1) (k).]

(4) Any Ordinance the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.

(5) Any Ordinance interfering with the discipline or control of Our naval, military, or air forces in the Colony.

(6) Any Ordinance of an extraordinary nature and importance whereby Our prerogative or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of Our United Kingdom and its Dependencies may be prejudiced.

(7) Any Ordinance containing provisions to which Our assent has been once refused, or which have been disallowed by Us.

5. When any Ordinance shall have been made and promulgated by the Governor, the Governor shall transmit to Us through one of Our Principal Secretaries of State at the earliest opportunity, for Our final assent, disallowance, or other direction thereupon, a full and exact copy in duplicate of the same and of the marginal summary thereof as aforesaid, duly authenticated under the Public Seal of the Colony, and by his own signature. Such copy shall be accompanied by such explanatory observations as may be required to exhibit the reasons and occasion for passing such Ordinance.

Ordinances passed by Governor to be transmitted for assent, disallowance, or other direction.

[Gib. 5.]

6 In the month of January, or at the earliest practicable period at the commencement of each year, the Governor shall cause a complete collection to be published for general information of all Ordinances enacted and enrolled during the preceding year.

Collection of Ordinances to be published annually.

[Gib. 6.]

7. The Governor shall transmit to the Registrar of Our Court of Appeal in Malta, to be enrolled in the office of the said Registrar, a transcript duly authenticated in the manner before mentioned of any Ordinance promulgated by him. He is also from time to time to transmit to the Registrar to be enrolled in the said office a certificate under his hand and seal of the effect of every Order which he may have received from Us for confirming or disallowing,

Authenticated transcripts of Ordinances to be transmitted to the Registrar of the Court of Appeal for enrolment.

[Gib. 7, cf. Instrument "A," sections 52 and 53.]

in whole or in part, or for amending the provisions of any such Ordinance, and such certificates shall in like manner be enrolled in the said office, and there remain on record to the intent that the Chief Justice and other Judges of the Colony may without further or other proof take cognizance of all Ordinances to be made and promulgated by the Governor as aforesaid, for the peace, order, and good government of the Colony: Provided always, and We do hereby declare that the said Registrar has not and shall not have any right or authority to prevent or delay the enrolment of any such Ordinance, and that the validity thereof doth not and shall not depend upon such enrolment.

Registrar not to have the power of staying the enrolment of Ordinances.

Governor to communicate Instructions to Executive and Nominated Councils.

[T. 3, M. 17.]

Executive and Nominated Councils not to proceed to business unless summoned by the Governor's authority.

[T. 4, M. 18.]

Quorum.
Governor to preside. Provision in case of his absence.

[T. 5, M. 19.]

Seniority of Members. Executive Council.

[T. 5 (last sentence).]

Nominated Council.
[M. 16 (as replaced in 1909).]

8. The Governor shall forthwith communicate these Our Instructions to the Executive Council and the Nominated Council, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them.

9. The Executive Council and the Nominated Council shall not proceed to the dispatch of business unless duly summoned by authority of the Governor, nor unless two Members at the least of such Council so summoned (exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be dispatched.

10. The Governor shall attend and preside at the meetings of the Executive Council and of the Nominated Council, unless prevented by some necessary or reasonable cause, and in his absence such Member of the Council as may be appointed by him in that behalf, or in the absence of such Member the Senior Member of the Council actually present shall preside.

11. (1) The seniority of the Members of the Executive Council shall be prescribed by the Governor.

(2) The Members of the Nominated Council shall take such precedence among themselves as We may specially assign, and in default thereof first the person lawfully discharging the duties of the office of Lieutenant-Governor and thereafter the other Members according to the priority of their respective appointments, or if appointed by the same Instrument according to the order in which they are named therein.

12. In the execution of the powers and authorities vested in him the Governor shall be guided by the advice of the Executive Council with regard to all matters within the jurisdiction of the Legislature of the Colony under the provisions of the Malta Constitution Letters Patent, 1920, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any Member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.

13. In the execution of the powers and authorities vested in him the Governor shall consult with the Nominated Council with regard to all other matters not being within such jurisdiction as is mentioned in the preceding clause of these Our Instructions, excepting only in cases which are of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the said Council thereupon, or when the matters to be decided are too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall, at the earliest practicable period, communicate to the said Nominated Council the measures which he may so have adopted, with the reasons thereof.

14. The Governor shall alone be entitled to submit questions to the Nominated Council for their advice or decision; but if the Governor decline to submit any question to the said Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application, together with the answer returned by the Governor to the same.

15. The Governor may act in opposition to the advice given to him by Members of the Nominated Council if he shall in any case deem it right to do so; but in any such case he shall fully report the matter to Us by the first convenient opportunity, with the grounds and reasons of his action. In every such case it shall be competent to any Member of the said Council to require that there shall be recorded at length on the Minutes the grounds of any advice or opinion he may give upon the question.

16. Minutes shall be regularly kept of the proceedings of the Nominated Council; and the said Council shall not at any meeting proceed to the dispatch of business until the Minutes of the last preceding meeting have been confirmed or amended, as may be necessary. Twice in each year a full and exact copy of the Minutes for the preceding half year shall be transmitted to Us through one of Our Principal Secretaries of State.

Governor to take advice of Executive Council.
[T. 6.]

Governor to consult with Nominated Council.
[M. 21.]

Governor to propose questions.
[M. 22.]

Governor may act in opposition to Nominated Council.
[M. 23.]

Minutes of the Nominated Council to be kept.
[M. 20.]

17. The Privy Council of Malta (hereinafter called the Privy Council) shall not proceed to the dispatch of business unless duly summoned by authority of the Governor, nor unless eight Members at the least (exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be dispatched.

Privy Council not to proceed to business unless summoned by the Governor's authority.

18. The Governor shall attend and preside at the meetings of the Privy Council, unless prevented by some necessary or reasonable cause, and in his absence such Member of the said Privy Council as may be appointed by him in that behalf, or in the absence of such Member the senior Member of the said Privy Council actually present shall preside.

[New, cf. clause 9 *supra*.]

Governor to preside.
[New, cf. clause 10 *supra*.]

19. The seniority of the members of the Privy Council shall be prescribed by the Governor.

Seniority of Members.

20. The Governor shall alone be entitled to submit questions to the Privy Council for their advice, and may act in opposition to the advice given to him by Members of the Privy Council if he shall in any case deem it right to do so; but in any such case he shall fully report the matter to Us by the first convenient opportunity with the grounds and reasons of his action. In every such case it shall be competent to any Member of the said Council to require that there be recorded at length on the Minutes the grounds of any advice or opinion he may give upon the question.

[New, cf. clause 11 (1) *supra*.]

Governor to propose questions, and may act in opposition to advice of Privy Council.

[New, cf. clauses 14 and 15 *supra*.]

21. Minutes shall regularly be kept of the proceedings of the Privy Council; and the said Council shall not at any meeting proceed to the dispatch of business until the Minutes of the last preceding meeting have been confirmed or amended, as may be necessary. Twice in each year a full and exact copy of the Minutes for the preceding half year shall be transmitted to Us through one of Our Principal Secretaries of State.

Minutes of the Privy Council to be kept.

[New, cf. clause 16 *supra*.]

22. Whenever any Joint Committee of the Privy Council shall have been appointed by the Governor in pursuance of clause 16 of Our hereinbefore recited Letters Patent bearing even date herewith, the said Committee shall not proceed to the dispatch of business unless duly summoned by authority of the Governor, nor unless five Members at the least, exclusive of himself, be present and assisting throughout the whole of the meetings at which any such business shall be dispatched, and the Governor shall attend and preside at every meeting of the said Joint Committee.

Joint Committee of Privy Council.

[New, cf. clause 9 *supra*.]

Not to proceed to business unless summoned by the Governor's authority.

Quorum.

Governor to preside.

23. The Governor shall alone be entitled to submit questions relating to the matters mentioned in the said clause of Our said Letters Patent to the Joint Committee for their advice, and shall in all cases consult with the said Joint Committee before giving any certificate and direction under section 43 of the Malta Constitution Letters Patent, 1920, with regard to the provisions of any Bill affecting any reserved matter, or before returning any such Bill for reconsideration by the Legislature or either House thereof under section 44 of the said Letters Patent, or before returning to the Legislature any Bill by which Imperial property and interests may be affected, and transmitting therewith any amendments which he may recommend under section 45 of the said Letters Patent.

Governor to propose questions.

[New, cf. clauses 13 and 14 *supra*.]

24. The Governor may act in opposition to the advice given to him by the Members of the Joint Committee if he shall in any case deem it right to do so; but in any such case he shall fully report the matter to Us by the first convenient opportunity, with the grounds and reasons of his action.

Governor may act in opposition to Joint Committee.

[New, cf. clause 15 *supra*.]

25. The Governor shall not assent in Our name to any law passed by the Legislature of any of the following classes:—

Description of laws passed by Legislature not to be assented to.
[T. 7.]

(1) Any law for divorce.

(2) Any law whereby any grant of land or money, or any donation or gratuity, may be made to himself.

(3) Any law imposing differential duties.

(4) Any law the provisions of which shall appear inconsistent with obligations imposed on Us by Treaty.

(5) Any law of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony [or the trade and shipping of the United Kingdom and its dependencies], may be prejudiced.

See Memorandum.

(6) Any law which appears to him to relate to or otherwise affect any reserved matter within the meaning of the Malta Constitution Letters Patent, 1920.

(7) Any law containing provisions to which Our assent has been once refused, or which have been disallowed by Us:—

Unless he shall have previously obtained Our instructions upon such law through one of Our Principal Secretaries of State, or unless such law shall contain a clause suspending the operation thereof until the signification in the Colony of Our pleasure thereupon.

26. The Governor shall not directly or indirectly purchase for himself any land or building to Us belonging without Our special permission given to him in that behalf through one of Our Principal Secretaries of State.

Governor not to purchase land.
[M. 4, Gib. 8.]

- Regulation of power of pardon. [T. 8, M. 25] 27. Whenever any offender shall have been condemned to suffer death by the sentence of any Court, the Governor shall consult the Executive Council upon the case of such offender, submitting to the Council any report that may have been made by the Judge who tried the case; and, whenever it appears advisable to do so, taking measures to invite the attendance of such Judge at the Council. The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprieve, according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise; entering, nevertheless, on the Minutes of the Executive Council, a Minute of his reasons at length in case he should decide any such question in opposition to the judgment of the majority of the Members thereof.
- Judge's report to be laid before Executive Council. Governor to consult Executive Council in such cases. May exercise his own judgment. Entering his reasons on the Council Minutes. 28. Before suspending any Public Officer, other than an Officer responsible to the Executive Council or to any Department of the Ministry, from the exercise of his office, the Governor shall signify to such Officer, by a statement in writing, the ground of the intended suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself. The Governor shall lay both statements before the Nominated Council, and having consulted them thereon shall cause to be recorded on the Minutes whether the Council or the majority thereof does or does not assent to the suspension and if the Governor thereupon proceed to such suspension he shall transmit both of the said statements, together with the Minutes of the Nominated Council, to Us through one of Our Principal Secretaries of State by the earliest opportunity; but if in any case the interests of Our service shall appear to the Governor to demand that a person shall cease to exercise the powers and functions of his office instantly or before there shall be time to take the proceedings hereinbefore directed, he shall then interdict such person from the exercise of the powers and functions of his office.
- Officers to be appointed during pleasure. [T. 9.] 29. All commissions granted by the Governor to any persons to be Officers in the Colony shall, unless otherwise provided by law, be granted during pleasure only.
- Blue Book. [M. 11 Gib. 13.] 30. The Governor shall punctually forward to Us from year to year, through one of Our Principal Secretaries of State, the annual book of returns commonly called the Blue Book, relating to the Revenue and Expenditure, Public Works, Legislation, Civil Establishments, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of the Colony.
- Absence of the Governor. [M. 15 (first part) Gib. 14] 31. The Governor shall not, upon any pretence whatsoever, quit the Colony without having obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Given at Our Court at Saint James's this
Year of Our Reign.

day of in the

DRAFT.

MALTA.

ELECTION OF THE SENATE AND LEGISLATIVE ASSEMBLY
BY PROPORTIONAL REPRESENTATION.

REGULATIONS FOR THE USE OF THE SINGLE TRANSFERABLE VOTE.

PART I.—ELECTION OF THE WHOLE SENATE OR LEGISLATIVE ASSEMBLY.

- Ballot papers. 1. The ballot paper of each voter shall consist of a paper containing a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and if there are two or more candidates with the same surname, in the order of their other name or names.
- Vote of electors. 2. Each elector shall have one transferable vote.
- Method of voting. 3. An elector, in recording his vote—
(1) must place on his ballot paper the figure 1 opposite the name of the candidate for whom he votes.
(2) He may indicate the order of his choice or preference for as many other candidates as he pleases by placing against their respective names the figures 2, 3, 4, 5, 6 and so on in consecutive numerical order.
- Spoilt ballot papers. 4. A voter who has inadvertently spoilt his ballot paper may, on delivering the spoilt ballot paper to the presiding officer and proving the fact of inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in its place and the spoilt ballot paper shall be immediately cancelled.
- Invalid ballot papers. 5. Any ballot paper on which—
(1) the figure 1 standing alone indicating a first preference for some one candidate is not placed; or on which
(2) the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or on which
(3) the figure 1 standing alone indicating a first preference and some other number is set opposite the name of the same candidate; or on which
(4) it cannot be determined with certainty for which candidate the first preference of the voter is expressed; or on which
(5) there is no indication of figures or preferences; or on which
(6) any writing or mark is made by which the voter can be identified; or on which
(7) the official mark is not marked on both sides
shall be void, and not counted.
- Mixing papers. 6. Before the returning officer proceeds to count the votes he shall mix together the whole of the ballot papers belonging to the electoral area then being dealt with.
- Arrangement of papers. 7. After he shall have mixed the ballot papers the returning officer shall cause them to be arranged in parcels according to the first preferences recorded for each candidate, rejecting any that are invalid.
- Counting papers. 8. The returning officer shall then count the number of papers in each parcel, and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate, and he shall ascertain the full total number of all valid papers.
- Ascertainment of quota. 9. The returning officer shall then divide the full total number of all valid papers by a number exceeding by one the number of vacancies to be filled. The result increased by one (disregarding any fractional remainder) shall be the number of votes sufficient to secure the return of a candidate. This number is herein called the "quota".
- Candidate with quota elected. 10. If at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall thereupon be deemed to be elected.
- Transfer of surplus. 11. If at the end of any count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provisions of Article 12, to the continuing candidate or candidates indicated on the ballot papers in the parcel of the elected candidate, according to the next available preferences recorded thereon.

12.—(1) A surplus which arises on the completion of any count shall be transferred before a surplus which may arise at a subsequent count. Priority of Surplus.

(2) If more than one candidate has a surplus arising from the same count, the largest surplus shall first be dealt with.

(3) If two or more candidates have each an equal surplus arising from the same count, the surplus of the candidate with the greatest number of votes at the first count at which the candidates in question had an unequal number of votes shall be first dealt with. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which surplus he will first deal with. Equality of surpluses.

(4) If the votes credited to an elected candidate consist of original votes only, the returning officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred. Original votes only.

(5) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-paragraph last received by the elected candidate whose surplus is to be transferred. Original and transferred votes.

(6) In either of the cases referred to in paragraphs (4) and (5) of this Article the returning officer shall arrange the transferable papers in sub-paragraphs according to the next available preferences recorded thereon, shall make a separate sub-paragraph of the non-transferable papers and shall ascertain the number of papers in each sub-paragraph of transferable papers and in the sub-paragraph of non-transferable papers. Papers sorted to next available preferences.

(7) If the total number of papers in the sub-paragraphs of transferable papers is not greater than the surplus, the returning officer shall transfer the whole of each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voters' next available preference, and so many of the non-transferable papers as are not required for the quota of the elected candidate shall be set aside as finally dealt with. Transferable papers equal to or less than surplus.

(8)—(a) If the total number of transferable papers is greater than the surplus, the returning officer shall transfer from each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voter's next available preference that number of papers which bears the same proportion to the number of papers in the sub-paragraph as the surplus bears to the total number of transferable papers. Transferable papers exceed surplus proportionate transfer.

(b) The number of papers to be transferred from each sub-paragraph shall be ascertained by multiplying the number of papers in the sub-paragraph by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained. Ascertainment of number of papers to be transferred.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored. Treatment of fractional parts.

(d) If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from the larger sub-paragraph, and if the sub-paragraphs in question are equal in size, the fractional part credited to the candidate with the greatest number of votes at the first count at which the candidates in question had an unequal number of votes shall be deemed to be the largest. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine the matter by lot. Equality of fractional parts.

(e) The particular papers to be transferred from each sub-paragraph shall be those last filed in the sub-paragraph, and each paper so transferred shall be clearly marked with the number of the count at which the transfer took place. Papers transferred from sub-paragraphs.

13.—(1) If at any time no continuing candidate has a surplus and one or more vacancies remain unfilled, the returning officer shall exclude from the poll the candidate credited with the lowest number of votes; shall examine all the papers of that candidate; shall arrange the transferable papers in sub-paragraphs according to the next available preferences recorded thereon for continuing candidates; shall transfer each sub-paragraph to the candidate for whom that preference is recorded; and shall make a separate sub-paragraph of the non-transferable papers. Exclusion of candidates.
One candidate excluded.

(2) If the total of the votes of the two or more candidates lowest on the poll is less than the number of votes credited to the next highest candidate the returning officer may at the same count exclude those candidates from the poll and transfer their votes in accordance with the provisions of paragraph 1 of this Article. Two or more excluded.

(3) If, when a candidate has to be excluded under this Article, two or more candidates have each the same number of votes and are lowest on the poll, the candidate with the lowest number of votes at the first count at which the candidates in question had an unequal number of votes shall be excluded, and, where the numbers of votes credited to those candidates were equal at all counts, the returning officer shall decide by lot which shall be excluded. Selection of candidate for exclusion.

Papers transferred.

14.—(1) Whenever any transfer is made each sub-parcel of papers transferred shall be placed on the top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to him.

Non-transferable papers set aside.

(2) Non-transferable papers (except such as in the transfer of a surplus may be required for the quota of the elected candidate) shall be set aside as finally dealt with.

Papers retained for quota.

(3) On the transfer of the surplus votes of an elected candidate, all papers not transferred to continuing candidates and not set aside as finally dealt with under the foregoing provisions of this Article shall be placed together in one parcel as the quota of the elected candidate and the parcel shall be marked with the name of the elected candidate.

Lost vacancies.

15. If, on the exclusion of a candidate or candidates under Article 13, the number of then continuing candidates is equal to the number of vacancies unfilled, the continuing candidates shall be thereupon deemed to be elected and no transfer of votes shall be made.

Partial recounts.

16. Any candidate or his authorised agent may, at the conclusion of any count, request the returning officer to re-examine and re-count all or any of the papers dealt with during that count, and the returning officer shall forthwith re-examine and re-count such papers accordingly without making any alterations in the arrangement of the papers in the various parcels save where such alterations may be necessary in consequence of any error discovered in the re-count; the returning officer may also at his discretion re-count papers either once or more often in any case in which he is not satisfied as to the accuracy of any previous count; provided that nothing herein shall make it obligatory on the returning officer to re-count the same papers more than once.

Election petitions.

17.—(1) Upon an election petition the court may direct the whole or any part of the ballot-papers to be re-counted, and the result of the election to be ascertained in accordance with these regulations.

(2) On any such re-count, subject to such modifications as may be necessary by reason of any order of the court, each paper originally declared valid shall, whenever any transfer of votes takes place, follow the same course as at the original counting of the votes.

Decision of returning officers on transfers.

18.—(1) If any question shall arise in relation to any transfer of votes, the decision of the returning officer, whether expressed or implied by his acts, shall be final unless an objection is made in writing by any candidate or his authorised agent before the declaration of the poll, and in that event the decision of the returning officer may be reversed upon an election petition.

(2) If any decision of the returning officer is so reversed, the transfer in question and all operations subsequent thereto shall be void and the court shall direct what transfer is to be made in place of the transfer in question, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with these Regulations.

Result of poll.
Form of declaration.

19. The counting of the votes having been completed in accordance with the foregoing Articles as exemplified in the Third Schedule, the declaration of the result of the poll shall include a record of any transfer of votes made under the provisions of these Regulations, and of the total number of votes credited to each candidate after any such transfer, and shall be in the form shown in the Third Schedule or in a form to the like effect.

Preservation of documents.

20.—(1) The returning officer shall carefully preserve until the next following election of the whole Legislative Assembly of Senate as the case may be all ballot papers for each electoral area in separate sealed packets, as follows:—

(a) The spoilt ballot papers.

(b) The invalid ballot papers.

(c) The papers at the completion of the counting in the parcel of each elected candidate, and of each non-elected candidate whose papers under Article 15 have not been transferred.

(d) All the non-transferable papers set aside under Article 14 (2).

(2) The returning officer shall endorse on each packet a description of its contents and the date of the election to which they relate, and the name of the electoral area for which such election was held.

(3) The returning officer shall further preserve for the same period for each electoral area a copy of the declaration of the result of the poll and of any document showing the operations of the transfer of each surplus either as exemplified in the Third Schedule or in a form to the like effect.

Definitions.

21. In these Regulations, unless the context otherwise requires—

(1) The expression “continuing candidate” means any candidate not elected and not excluded from the poll.

(2) The expression "first preference" means the figure "1" standing alone opposite the name of a candidate; the expression "second preference" means the figure "2" standing alone opposite the name of a candidate; and the expression "third preference" means the figure "3" standing alone opposite the name of a candidate, and so on.

(3) The expression "next available preference" means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preferences next in order on the ballot paper for candidates already elected or excluded from the poll being ignored.

(4) The expression "transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.

(5) The expression "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate:—

Provided that a paper shall be deemed to have become a non-transferable paper whenever—

(a) the names of two or more candidates (whether continuing or not) are marked with the same number, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked —

(i) by a number not following consecutively after some other number on the ballot paper; or

(ii) by two or more numbers; or

(c) for any other reason it cannot be determined with certainty for which of the continuing candidates the next available preference of the voter is recorded.

(6) The expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate.

(7) The expression "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

(8) The expression "surplus" means the number votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota.

(9) The expression "count" means —

(a) All the operations involved in the counting of the first preferences recorded for candidates; or

(b) All the operations involved in the transfer of the surplus of an elected candidate; or

(c) All the operations involved in the transfer of the votes of an excluded candidate or of two or more candidates excluded together.

PART II. CASUAL VACANCIES.

1. In the event of a seat becoming vacant the returning officer for the electoral area in respect of which the vacancy has arisen shall, within a prescribed period, give notice of an election to fill the seat vacated. Notice of vacancy.

2. Within a prescribed period after the publication of such notice any person who—

Nominations.

(a) at the general election held immediately prior to the occurrence of the said vacancy was a candidate nominated for election as a Member of Parliament for the area in respect of which the vacancy has arisen, and did not withdraw from the election and was not elected, and

(b) is still qualified to be elected as a Member of Parliament, may, with his consent, be nominated as a candidate for the said vacancy.

3. Within a prescribed period after the last day fixed for the receipt of nominations, the returning officer shall decide on the validity of the nominations, and shall publish in the authorised form, the names, places of abode, numbers on the Register and descriptions of the persons validly nominated. Notice of valid nominations.

4. If there is only one candidate validly nominated for the vacant seat the returning officer shall forthwith declare such candidate elected to fill the vacancy. If only one nomination candidate elected.

5. If there are two or more candidates validly nominated, the returning officer shall, within a prescribed period, proceed to ascertain, in the manner hereinafter directed, by an examination of the ballot papers in the sealed parcel of the member whose seat is vacant, which of the validly nominated candidates shall be elected to fill the vacancy and the following provisions shall apply. If two or more nominations, examination of ballot papers of vacating member.

(1) All candidates for the electoral area at the general election shall be deemed to be excluded candidates except those who have been validly nominated for the vacant seat.

(2) The papers preserved under seal in accordance with Article 18 of Part I. of these Regulations in the parcel of the member vacating the seat shall be examined and credited to the validly nominated candidates first available in the order of preference on such papers.

(3) If more than one half of the papers showing available preferences are credited to any one of the candidates so nominated, that candidate shall be declared elected, but if no candidate obtains such a proportion of the papers, the papers shall be further examined and counted, and the result of the election ascertained in accordance with Part I. of these Regulations.

Vacancy filled by co-option in special case.

6.—(1) If a vacancy occurs in a seat which has been filled under the preceding Regulations; or, if on a vacancy occurring no candidate is validly nominated, the vacancy shall be filled by co-option by the Members of the House of Parliament in which the vacancy occurs.

(2) In filling a vacancy by co-option, Members of Parliament shall have regard to the representation as nearly as may be of the interests and opinions represented and held by the member whose seat is vacant, but the decision of the members exercising the right of co-option shall be final and shall not be challenged in any Court of law.

PART III.—ILLITERATE AND INCAPACITATED VOTERS.

1. If any elector shall declare that he is unable to read, or if it appears that he is by blindness or other infirmity of body incapacitated from voting, such elector may ask the presiding officer at the polling station to record his vote on the ballot paper.

2. In any such case, the presiding officer may require such elector to confirm his declaration on oath, and on satisfying himself of the correctness of such declaration he shall record the vote of such elector on the ballot paper in accordance with the indication orally made by such elector, and shall place the ballot paper in the ballot box.

3. The manner in which the vote of such elector shall be recorded shall be as follows:—

(1) The presiding officer shall ask the elector: "Which of the candidates do you most desire to see elected?" and shall accordingly place the figure 1 on the ballot paper opposite the name of the candidate named by the elector.

(2) The presiding officer shall then ask the elector: "For which of the candidates do you desire to express a second choice?" and shall accordingly place the figure 2 on the ballot paper opposite the name of the candidate thereupon named by the elector.

(3) The presiding officer shall repeat the operation in reference to a third or any subsequent preference until the elector shall declare that he does not desire to express any further choice.

(4) At the commencement of these operations and at any subsequent stage the presiding officer shall, if desired by the elector, read out in the order in which they appear on the ballot paper the names of all candidates for whom a choice has not already been expressed by the elector.

4. The presiding officer shall not reveal to any person the vote communicated to him by the elector, notwithstanding any permission given to him by the elector himself to reveal it.

FIRST SCHEDULE.

FORM OF BALLOT PAPER.

Election of _____
Electoral Area _____
No. of Members to be elected _____

BALLOT PAPER.

Mark Order of Preference in Spaces below.	Names of Candidates
	BROWN (John Brown, of 52, George Street, Bristol, Merchant).
	JONES (William David Jones, of 10, Charles Street, Bristol, Merchant).
	MACINNES (Robert MacInnes, of 26, James Street, Bristol, Licensed Victualler).
	ROBERTSON (Henry Robertson, of 8, John Street, Bristol, Butcher).
	THOMAS (Walter Thomas, of 23, Anne Street, Bristol, Painter).
	WILLIAMS (James Williams, of 5, William Street, Bristol, Dock Labourer).

INSTRUCTIONS TO VOTERS.

1. Vote by placing the figure 1 opposite the name of the candidate you most desire to see elected.
2. You are invited (and it is advisable) to place the figure 2 opposite the name of your *second choice* and the figure 3 opposite the name of your *third choice* and so on.
3. It is advisable to go on numbering the candidates in the order of your preference until you are indifferent as to the candidates whom you have not marked.
4. The paper will be invalid if the figure 1 is placed opposite more than one name.
5. Do not vote with a X.

SECOND SCHEDULE.

DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING.

1. Vote by placing the figure 1 opposite the name of the candidate you most desire to see elected.
2. You are invited (and it is advisable) to place the figure 2 opposite the name of your *second choice*, the figure 3 opposite the name of your *third choice*, and so on.
3. It is advisable to go on numbering the candidates in the order of your preference until you are indifferent as to the candidates whom you have not marked.
4. If you do not place the figure 1 on your ballot paper or if you place the figure 1 opposite more than one name, or place the figure 1 (indicating a first preference) and some other figure opposite the same name, your ballot paper will be invalid and will not be counted.
5. If you inadvertently spoil a ballot paper you may return it to the presiding officer, who will, if satisfied of such inadvertence, give you another paper.

EXAMPLES OF BALLOT PAPERS VALIDLY MARKED.

1.		2.	
Mark Order of Preference in Spaces below.	Names of Candidates.	Mark Order of Preference in Spaces below.	Names of Candidates.
	BROWN (John Brown, of 52, George Street, Bristol, Merchant).	3	BROWN (John Brown, of 52, George Street, Bristol, Merchant).
3	JONES (William David Jones, of 10, Charles Street, Bristol, Engineer).	4	JONES (William David Jones, of 10, Charles Street, Bristol, Engineer).
2	MACINNES (Robert MacInnes, of 28, James Street, Bristol, Licensed Vic-tualler.)	6	MACINNES (Robert MacInnes, of 28, James Street, Bristol, Licensed Vic-tualler).
	ROBERTSON (Henry Robertson, of 8, John Street, Bristol, Builder).	2	ROBERTSON (Henry Robertson, of 8, John Street, Bristol, Builder).
	THOMAS (Walter Thomas, of 23, Anne Street, Bristol, Painter).	1	THOMAS (Walter Thomas, of 23, Anne Street, Bristol, Painter).
1	WILLIAMS (James Williams, of 5, William Street, Bristol, Dock Labourer).	5	WILLIAMS (James Williams, of 5, William Street, Bristol, Dock Labourer).

THIRD SCHEDULE.

EXAMPLE OF THE METHOD OF COUNTING THE VOTES AT AN ELECTION
CONDUCTED ON THE PROPORTIONAL REPRESENTATION SYSTEM
OF THE SINGLE TRANSFERABLE VOTE.

Let it be assumed that there are six members to be elected, and that there are eleven candidates, A, B, C, D, E, F, G, H, I, K, L.

FIRST COUNT.

Arrangements and counting of ballot-papers (Articles 7, 8).

State of poll at end of first count.

The ballot papers having been mixed and examined, the invalid papers being excluded, and the valid papers arranged in separate parcels under the names of the candidates marked with the figure 1, each separate parcel is counted, and each candidate is credited with a number of votes equal to the number of the papers on which a first preference has been recorded for him.

The result of the count may be supposed to be as follows :—

								Votes
B	...	...	...	...	...	...	...	140
F	...	...	...	...	...	...	...	62
H	...	...	...	...	...	...	...	50
C	...	...	...	...	...	...	...	25
L	...	...	...	...	...	...	...	24
G	...	...	...	...	...	...	...	14
I	...	...	...	...	...	...	...	12
D	...	...	...	...	...	...	...	10
A	...	...	...	...	...	...	...	7
E	...	...	...	...	...	...	...	4
K	...	...	...	...	...	...	...	—
Total	...	...	...	...	...	...	...	348

THE QUOTA.

It is found that the total of all the valid votes is 348. This total is divided by seven (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 50 (*i.e.*, the quotient 49 increased by 1, neglecting the fraction) is the "quota," or the number of votes sufficient to elect a member.

The votes obtained by B, F and H exceed or equal the quota, and they are thereupon deemed to be elected.

SECOND COUNT.

B has 90 surplus votes (*i.e.*, B's total 140, less the quota 50), and it is necessary to transfer this surplus first as being the largest.

All B's 140 papers are examined and arranged in separate sub-parcels according to the next available preferences indicated thereon.

In general the next available preference will be the second preference. But any paper on which the second preference is given to either F or H, both already elected, passes to the next available preference after such candidates. A paper marked with 1 for B, 2 for H, 3 for F, 4 for I, is placed in the sub-parcel for I.

A separate sub-parcel is also formed of those papers on which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable.

The result is found to be as follows:—

A next available preference is shown for D on 80 papers			
"	"	"	E " 2 "
"	"	"	I " 25 "
"	"	"	K " 29 "
Total of transferable papers ...			136 papers
Total of non-transferable papers ...			4 "
Total of B's papers ...			140

Since the total number of transferable papers (136) exceeds the surplus (90), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 90 (the surplus), and dividing the result by 136 (the total number of transferable papers). In practice the calculation may be simplified by reducing the fraction $\frac{90}{136}$ to the equivalent fraction $\frac{45}{68}$.

The process is as follows:—

D's sub-parcel contains 80 papers, and his share of the surplus is therefore...									
E's	"	"	2	"	"	"	...	$2 \times \frac{45}{68}$	or $1\frac{1}{4}$
I's	"	"	25	"	"	"	...	$25 \times \frac{45}{68}$	or $16\frac{37}{68}$
K's	"	"	29	"	"	"	...	$29 \times \frac{45}{68}$	or $19\frac{13}{68}$
Total ...								...	90

The numbers of papers to be transferred as determined by the preceding process contain fractions, and, since only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus as the *whole* numbers determined above amount to only 88, viz. (52 + 1 + 16 + 19), or two short of the surplus, 90, the two largest fractions $\frac{64}{68}$ and $\frac{37}{68}$ are reckoned as unity, and the numbers of papers actually transferred are as follows:—

To D	...	...	...	...	...	...	53 papers
To E	...	...	...	...	...	...	1 paper
To I	...	...	...	...	...	...	17 papers
To K	...	...	...	...	...	...	19 papers
Total, being B's surplus							90 papers

The particular papers to be transferred to D, E, I and K are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels. The papers transferred are clearly marked with the number of the count at which the transfer is made.

These papers are added in separate sub-parcels to the parcels of D, E, I and K. (Note: K had no parcel of original votes.)

The totals of the votes credited to these candidates then become:—

D	...	...	...	...	...	10 + 53 = 63
E	...	...	...	...	...	4 + 1 = 5
I	...	...	...	...	...	12 + 17 = 29
K	...	...	...	...	...	0 + 19 = 19

The remainders of the papers in the sub-parcels (*i.e.*, those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing B's quota of votes (50).

The parcel is made up as follows:—

The remainder of D's sub-parcel, 80 less 53 = 27			
"	"	E's	2 less 1 = 1
"	"	I's	25 less 17 = 8
"	"	K's	29 less 19 = 10
Non-transferable papers ...			4
Total, being B's quota ...			50

Ascertainment of quota. (Article 9.)

Candidates with quota elected. (Article 10.)

Transfer of surplus. (Articles 11, 12(2), 12(4), 12(6).)

Proportion of papers to be transferred. (Article 12(8) (a).)

Numbers to be transferred ascertained. (Article 12(8) (b).)

Treatment of fractions. (Article 12(8) (c).)

Selection and marking of papers to be transferred. (Article 12(8) (d).)
Disposal of papers after transfer. (Article 14(1).)

Quota of elected candidates set aside. (Article 14(3).)

The operations involved in this transfer are summarised in the following table:—

COUNT NO. 2.

TRANSFER OF "B's" SURPLUS.

Surplus	...	...	...	...	...	...	90
Number of transferable papers	...	...	...	...	...	...	136
Proportion to be transferred	$= \frac{\text{Surplus}}{\text{Number of transferable papers}} = \frac{90}{136} = \frac{45}{68}$						

Names of Candidates marked as the next available Preference	Numbers of Papers examined	Numbers of Papers transferred			Numbers of Papers retained for B's Quota
		As calculated		Actual Numbers transferred (Largest Fractions treated as Whole Numbers)	
		Whole Numbers	Fractional Parts		
A					
C					
D	80	52	64/68	53	27
E	2	1	22/68	1	1
G					
I	25	16	37/68	17	8
K	29	19	13/68	19	10
L					
Total number of Transferable papers	136	88	136/68	90	46
Number of Non-Transferable papers	4	—	—	†	4
TOTAL	140 * (Total)	—	—	90 * (Surplus)	50 * (For quota)

Notes for Returning Officers.

* It will be found convenient to begin filling in the transfer sheet by inserting the totals in the spaces marked with an asterisk. These totals are known before the count is commenced.

† When transferring a surplus all the non-transferable papers are usually retained as part of the quota, but when the number of transferable papers is less than the surplus the difference should be inserted in the space marked with a dagger, and a corresponding number of non-transferable papers should be stamped and transferred to the non-transferable box. These papers should be taken from the top of the parcel of non-transferable papers and the number taken should be shown on the Result Sheet on the line provided for non-transferable papers.

The state of the poll on the conclusion of the count is as follows:—

State of poll at end of second count.

B	...	...	...	...	...	...	50 (elected)
F	...	...	...	...	...	...	62 (elected)
H	...	...	...	...	...	...	50 (elected)
D	...	...	...	...	...	...	63 (elected)
I	...	...	...	...	...	...	29
C	...	...	...	...	...	...	25
L	...	...	...	...	...	...	24
K	...	...	...	...	...	...	19
G	...	...	...	...	...	...	14
A	...	...	...	...	...	...	7
E	...	...	...	...	...	...	5
Total	...	...	...	...	...	...	348

Election of candidate.
(Article 10.)

D now has 63 votes a number which is more than the quota. He is accordingly deemed to be elected.

THIRD COUNT.

There are now two surpluses, that of F (12) and that of D (13). F's surplus, though the smaller is first dealt with as it arose on a prior count. F's surplus is distributed proportionately among the next available preferences on F's original 62 papers in exactly the same manner as in the case of B with the result that 9 papers are transferred to L, 2 to C and 1 to A.

Priority of surplus.
(Article 12(1).)

The papers forming F's quota are placed together in one parcel, which is marked with F's name.

The papers forming the quota of H (who obtained an exact quota at the first count) are likewise placed together in one parcel, which is marked with H's name.

Quota of elected candidate set aside.
(Article 14(3).)

FOURTH COUNT.

D'S SURPLUS (13) MUST NOW BE DISTRIBUTED.

For this purpose only the sub-parcel last transferred, containing 53 papers, is considered. These are examined and arranged in sub-parcels, according to the next available preferences, with the following result:—

Surplus arising from previous transfer.
(Article 12(5).)

A next available preference is shown for I on 42 papers.
" " " " K on 10 papers.

52 papers.
No further preference is shown on 1 paper.

Total ... 53

The number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 13 (the surplus) and dividing the result by 52 (the total number of transferable papers); therefore

(Article 12 (8)
(a), (b).)

I's share of the surplus is $42 \times \frac{13}{52} = 10\frac{1}{2}$
K's " " $10 \times \frac{13}{52} = 2\frac{1}{2}$

As the fractional parts above are equal, that which arises from the larger sub-parcel is deemed to be the larger. I's share of D's surplus is, accordingly, 11 votes, and K's share is 2 votes.

Equality of fractional parts. (Article 12(8)
(d).)

The number of votes transferred and retained are in accordance with the simplified transfer sheet following:—

COUNT No. 4.

TRANSFER OF "D's" SURPLUS

Surplus ... 13
Number of transferable papers ... 52
Proportion to be transferred = $\frac{\text{Surplus}}{\text{Number of transferable papers}} = \frac{13}{52} = \frac{1}{4}$

Names of Candidates marked as the next available Preference.	Numbers of Papers examined.	Numbers of Papers transferred.		Numbers of Papers retained for D's Quota.
I	42	(10½)	11	31
K	10	(2½)	2	8
Total number of Transferable papers ...	52	(13)	13	39
Number of Non-transferable papers ...	1	—	—	1
Totals	53 (Total)	13 (Surplus)		40 (For quota)

Sub-parcels of 11 papers and 2 papers clearly marked with the number of the count at which the transfer took place are added to parcels of I and K respectively, and the remainders (31 and 8) together with the 1 non-transferable paper and the 10 papers received by D on the first count, making 50 papers altogether, are formed into one parcel, making D's quota of votes.

The state of the poll on the conclusion of the count is as follows:—

							Votes.
B ... ..	...	...	...	...	...	...	50 (elected)
F ... ..	...	...	...	...	...	...	50 (elected)
H ... ..	...	...	...	...	...	...	50 (elected)
D ... ..	...	...	...	...	...	...	50 (elected)
I ... ..	...	...	...	...	...	...	40
L ... ..	...	...	...	...	...	...	33
C ... ..	...	...	...	...	...	...	27
K ... ..	...	...	...	...	...	...	21
G ... ..	...	...	...	...	...	...	14
A ... ..	...	...	...	...	...	...	8
E ... ..	...	...	...	...	...	...	5
Total ... ..	...	...	...	...	...	...	348

Selection and marking of papers transferred. (Article 12(8) (c).)
(Article 14.) State of poll at end of fourth count.

FIFTH COUNT.

Exclusion of candidate. (Article 13).

There being now no surplus requiring to be dealt with, the returning officer proceeds to transfer the votes of the candidate with the smallest total of votes. The candidate lowest on the poll is E, with 5 votes, but since the combined totals of E and A ($5 + 8 = 13$) are less than 13, the total of G, the next highest candidate, the returning officer transfers the papers of both E and A at the same count.

The papers in the parcels of E and A (total 13) are examined, and it is found that—

Exclusion of two lowest candidates together. (Article 13. (2).)

C is marked next available preference on	1 paper
G	7 papers
1	4 papers
Non-transferable papers	1 paper
	<hr/> 13 papers

(Article 14 (1), (2).)

The operation is completed by the transfer of 1 paper to C, 7 papers to G, 4 papers to I, and the 1 non-transferable paper is set aside as finally dealt with.

State of poll at end of fifth count.

The state of the poll now stands as follows :—

	Votes.
B	50 (elected)
F	50 (elected)
H	50 (elected)
D	50 (elected)
I	44
L	33
C	28
G	21
K	21
Non-transferable paper	1
Total	<hr/> 348

SIXTH COUNT.

Candidates equal and lowest on poll. (Article 13 (3) (Article 10)

No candidate is elected as the result of the fifth count and the next operation has to be determined upon. Candidates G and K have each the same number of votes (21) and are lowest on the poll. K's papers are distributed, as he obtained fewer votes than G at the first count. From the distribution of K's papers (21), 3 papers are transferred to C, 15 to I, 1 to L, and 2 are non-transferable. I thereby reaches a total of 59 votes, and is declared elected.

State of poll at end of sixth count.

The state of the poll now is as follows :—

	Votes.
B	50 (elected)
F	50 (elected)
H	50 (elected)
D	50 (elected)
I	59 (elected)
L	34
C	31
G	21
Non-transferable	3
Total	<hr/> 348

SEVENTH COUNT.

Surplus arising from previous transfer. (Article 12(5).)

I's surplus (9) must now be distributed.

For this purpose only the sub-parcel of papers last transferred to I (15 papers) is taken into account.

These are examined and arranged in sub-parcels for the continuing candidates, with the following result:—

C is next available preference on	4 papers.
L	on 3 papers.
Total transferable papers	7
Non-transferable papers	8
Total	<hr/> 15

Transferable papers less than surplus. (Article 12(7).) (Article 14(2).)

In this case the total number of transferable papers (7) is less than the surplus (9), therefore the returning officer transfers the whole sub-parcels of transferable papers to the continuing candidates indicated thereon as next available preference. This accounts for 7 votes out of the surplus 9. There is a difference of 2 papers. The sub-parcel of non-transferable papers is therefore divided into two portions, one containing 2 papers, the other containing 6 papers. The portion of 2 papers is set aside with the other parcels of non-transferable papers as finally dealt with, and the portion of 6 papers is retained to make up I's quota ($6 + 44 = 50$).

The papers transferred to the parcels of C, L and non-transferable are clearly marked with the number of the count. (Article 12(8) (e).)

The numbers of votes transferred and retained are in accordance with the transfer sheet following.

COUNT NO. 7.

TRANSFER OF I'S SURPLUS.

Surplus 9
Number of transferable papers 7
Proportion to be transferred { = $\frac{\text{Surplus}}{\text{Number of transferable papers}}$ = $\frac{9}{7}$ (taken as 1).

Names of Candidates marked as the next available Preference.	Numbers of Papers examined.	Numbers of Papers transferred.			Numbers of Papers retained for I's Quota.
		As calculated		Actual Numbers transferred (largest Fractions treated as Whole Numbers).	
		Whole Numbers.	Fractional Parts.		
C	4	4	—	4	—
L	3	3	—	3	—
Total number of Transferable papers	7	7	—	7	—
Number of Non-Transferable papers	8	—	—	† 2	6
TOTALS	15* (Total)	—	—	9* (Surplus)	6* (For Quota)

Notes for Returning Officers.

* It will be found convenient to begin filling in the transfer sheet by inserting the totals in the spaces marked with an asterisk. These totals are known before the count is commenced.

† When transferring a surplus all the non-transferable papers are usually retained as part of the quota, but when the number of transferable papers is less than the surplus, the difference should be inserted in the space marked with a dagger, and a corresponding number of non-transferable papers should be stamped and transferred to the non-transferable box. These papers should be taken from the top of the parcel of non-transferable papers and the number taken should be shown on the Result Sheet on the line provided for non-transferable papers.

The state of the poll after the seventh count is as follows :—

	Votes.				
B	50 (elected)
F	50 (elected)
H	50 (elected)
D	50 (elected)
I	50 (elected)
L	37
C	35
G	21
Non-transferable	5
Total	348

State of poll at the end of seventh count.

EIGHTH COUNT.

There being now no surplus, the votes of G, the candidate lowest on the poll, are distributed.

G's parcel of 21 papers is found to contain 7 papers on which C is the next preference, and 12 on which L is the next preference, and 2 papers which are non-transferable.

Therefore 7 papers are transferred to C, and 12 to L, and 2 are filed in the parcel of non-transferable papers.

The poll now stands as follows :—

	Votes.				
B	50 (elected)
F	50 (elected)
H	50 (elected)
D	50 (elected)
I	50 (elected)
L	49
C	42
Non-transferable	7
Total	348

Transfer of votes of candidate lowest on the poll.

(Article 13(1).)

(Article 14.)

State of poll at end of eighth count.

DECLARATION OF RESULT OF POLL.

for the above Electoral

for the above Electoral

Poll and of the transfer of votes is as follows :—

Number of valid votes.....

Number of members to be elected

Quota (number of votes sufficient to secure the election of a candidate)

Non-transferable
papers not trans-
[ferred

for the said Electoral Area.
 , 19 .

duly elected

Returning Officer
[or Deputy Returning Officer.]

It may happen that the second choice of those who voted for the vacating member is not available when the vacancy occurs. The Tasmanian law provides that, in that event, there shall be an election. It is suggested that, should a similar contingency arise in Malta, the vacancy should be filled by Parliament, a new representative being co-opted.

The Lower House of the Parliament of Malta will last for three years only, and accordingly the usual argument that bye-elections are required for the purpose of testing public opinion hardly applies.

